

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 GREGORY BROOKS,

PLAINTIFF,

5
6 -against-

Case No:
17-cv-03626

7
8 THE DOE FUND, INC. TERRY COOPER
9 individually and in his official capacity,
10 JAMES WASHINGTON individually and in his
official capacity, and ANTHONY WIGGINS,
individually and in his official capacity,

11 DEFENDANTS.

12 -----X
13 DATE: June 25, 2018

14 TIME: 10:58 a.m.
15

16 DEPOSITION of the Defendant,
17 JAMES WASHINGTON, taken by the Plaintiff,
18 pursuant to a Notice and to the Federal
19 Rules of Civil Procedure, held at the
20 offices of The Derek T. Smith Law Group,
21 PLLC, 1 Penn Plaza, Suite 4905, New York,
22 New York 10119, before Scott Torrance, a
23 Notary Public of the State of New York.
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A P P E A R A N C E S:

THE DEREK T. SMITH LAW GROUP, PLLC
Attorney for the Plaintiff
GREGORY BROOKS
1 Penn Plaza - Suite 4905
New York, New York 10119
BY: KELLY L. O'CONNELL, ESQ.

JACKSON LEWIS, P.C.
Attorneys for the Defendants
THE DOE FUND, INC. and JAMES WASHINGTON
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666 Third Avenue - 29th Floor
New York, New York 10017
BY: LORI D. BAUER, ESQ.

LEWIS, BRISBOIS, BISGAARD & SMITH, LLP
Attorneys for the Defendant
TERRY COOPER
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New York, New York 10005
BY: BRADLEY BARTOLOMEO, ESQ.

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2 F E D E R A L S T I P U L A T I O N S

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5 IT IS HEREBY STIPULATED AND AGREED by and
6 between the counsel for the respective
7 parties herein that the sealing, filing and
8 certification of the within deposition be
9 waived; that the original of the deposition
10 may be signed and sworn to by the witness
11 before anyone authorized to administer an
12 oath, with the same effect as if signed
13 before a Judge of the Court; that an
14 unsigned copy of the deposition may be used
15 with the same force and effect as if signed
16 by the witness, 30 days after service of
17 the original & 1 copy of same upon counsel
18 for the witness.

19

20 IT IS FURTHER STIPULATED AND AGREED that
21 all objections except as to form, are
22 reserved to the time of trial.

23

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* * * *

25

1 J. WASHINGTON

2 J A M E S W A S H I N G T O N, called as
3 a witness, having been first duly sworn by
4 a Notary Public of the State of New York,
5 was examined and testified as follows:

6 EXAMINATION BY

7 MS. O'CONNELL:

8 Q. Please state your name for the
9 record.

10 A. James Washington.

11 Q. Please state your address for
12 the record.

13 A. 145 Elmira Loop, Apartment 3F,
14 Brooklyn, New York 11239.

15 Q. Thank you for coming this
16 morning. Have you spoken with your
17 attorney regarding the procedures for
18 taking depositions?

19 A. Yes.

20 Q. Have you been a party to a
21 deposition before?

22 A. No.

23 Q. Okay. So, this is your first
24 deposition?

25 A. Yes.

1 J. WASHINGTON

2 Q. All right. And do you
3 understand that you've been placed under
4 oath and have the obligation to testify
5 truthfully today?

6 A. Yes.

7 Q. And do you understand that the
8 court reporter cannot transcribe inaudible
9 responses such as nods, yeahs or other
10 signs, they need to be verbal responses?

11 A. Yes.

12 Q. And do you understand that you
13 need to wait for the complete question to
14 be asked before responding?

15 A. Yes.

16 Q. And do you agree that unless
17 you don't tell me, that I'm going to assume
18 that you understand my questions today?

19 A. Yes.

20 Q. If at any time you realize that
21 you've given an inaccurate answer, an
22 incomplete answer, you'll let me know so
23 you can modify your answer later in the
24 day?

25 A. Yes.

1 J. WASHINGTON

2 Q. Have you consumed any
3 medication that would impact your ability
4 to testify truthfully today?

5 A. No.

6 Q. And you haven't consumed any
7 alcohol or other substances that would
8 affect your ability to testify truthfully
9 today?

10 A. No.

11 Q. Is there any reason why you
12 would be unable to testify today?

13 A. No.

14 Q. Do you have any questions
15 before we begin the deposition?

16 A. No.

17 Q. Can you tell me everything you
18 did to get ready for this deposition?

19 A. Can you be more specific,
20 please?

21 Q. What did you do to prepare for
22 today's deposition?

23 A. I met with the lawyers.

24 Q. Okay.

25 A. On --

1 J. WASHINGTON

2 Q. Go ahead.

3 A. On Thursday.

4 Q. Did you review any documents?

5 A. Yes.

6 Q. What documents were those?

7 A. Case notes for Gregory Brooks,
8 late night overnight policy. And I believe
9 there were more, but I can't remember
10 exactly what they were.

11 Q. Okay. Did you review anything,
12 like a complaint that was filed, legal
13 documents to that capacity?

14 A. Yes.

15 Q. Okay. Do you remember if you
16 read the federal complaint that my client
17 filed?

18 A. I can't recall.

19 Q. Could you state your full name
20 for the record?

21 A. James Darryl Washington.

22 Q. Have you been known by any
23 other names?

24 A. No.

25 Q. Do you have any nicknames?

1 J. WASHINGTON

2 A. No.

3 Q. And in all legal documents, you
4 use that name?

5 A. Yes.

6 Q. And what's your date of birth?

7 A. January 8th, 1956.

8 Q. And are you presently married?

9 A. Yes.

10 Q. What's the name of your spouse?

11 A. Althea Washington.

12 Q. And what's her age?

13 A. 56.

14 Q. Okay. Is she employed also?

15 A. Yes.

16 Q. And who are you employed with,
17 currently?

18 A. The Doe Fund.

19 Q. And which location?

20 A. 520 Gates Avenue, Brooklyn.

21 Q. How long have you been working
22 at that location?

23 A. I believe six to seven years.

24 Q. Where were you working before
25 that?

1 J. WASHINGTON

2 A. The Doe Fund, but at a
3 different location.

4 Q. And what location was that?

5 A. Cook Street.

6 Q. Is that location called Cook
7 Street?

8 A. Yes.

9 Q. And where's Cook Street?

10 A. In Brooklyn.

11 Q. How long did you work at the
12 Cook Street location?

13 A. For about two years.

14 Q. And before the Cook Street
15 location, where were you working?

16 A. Jersey City.

17 Q. For The Doe Fund or --

18 A. Yes.

19 Q. Okay. Is that location just
20 called Jersey City Doe Fund or --

21 A. It was called Ready, Willing &
22 Able, Jersey City.

23 Q. How long did you work at Ready,
24 Willing & Able, Jersey City?

25 A. Eight years.

1 J. WASHINGTON

2 Q. At the Ready, Willing & Able,
3 Jersey City, which you worked, what was
4 your role there?

5 A. Associate director of the
6 Community Improvement Project.

7 Q. And what's that do?

8 A. Street maintenance.

9 Q. What were your duties for that
10 position?

11 A. Basically oversee the
12 operation.

13 Q. Would you go out on, I guess,
14 with the work crew?

15 A. No, no.

16 Q. And were you also -- always
17 working in that capacity at the Jersey City
18 Doe Fund?

19 A. Yes.

20 Q. Did you work anywhere with The
21 Doe Fund before that also?

22 A. Yes.

23 Q. Where was that?

24 A. The Harlem location, 155th and
25 Frederick Douglass.

1 J. WASHINGTON

2 Q. And about how many years did
3 you work there?

4 A. Not sure.

5 Q. And just a guess, around what
6 year are we at the Harlem location?

7 MS. BAUER: Object to the form.
8 You can answer.

9 A. Uh, I guess maybe seven years.

10 Q. Seven years that you were
11 working there?

12 A. Yes.

13 Q. Did you work at another
14 location before the Harlem location, too?

15 A. Yes.

16 Q. And before we move on to that:
17 At the Harlem location, what was your
18 capacity with The Doe Fund?

19 A. Could you repeat that, please?

20 Q. When you were at The Doe Fund's
21 Harlem location, what were you working as?

22 A. Associate director of CIP.

23 Q. And what's CIP?

24 A. Community Improvement Project.

25 Q. Okay. So, before The Doe

1 J. WASHINGTON

2 Fund's Harlem location, where were you
3 working?

4 A. The Gates Avenue location in
5 Brooklyn.

6 Q. Okay. Where you work
7 currently?

8 A. Yes.

9 Q. And what was your position
10 then?

11 A. I had a few different
12 positions. I was hired, uh, originally at
13 that location and I started out as a
14 supervisor for the Community Improvement
15 Project.

16 Q. That was your first position?

17 A. Yes.

18 Q. And you were a supervisor for
19 about how long before you advanced?

20 A. Maybe a year.

21 Q. And what was the position that
22 you advanced to?

23 A. Senior supervisor.

24 Q. Of CIP?

25 A. Yes.

1 J. WASHINGTON

2 Q. And did you advance again?

3 A. Yes.

4 Q. And how long were you a senior
5 supervisor at CIP?

6 A. I mean, this is a guess, but
7 I'm thinking maybe two, three years.

8 Q. And what did you advance to
9 after you were a senior supervisor?

10 A. Associate director of CIP.

11 Q. And when you're associate
12 director of CIP at all these different
13 locations, are you the only associate
14 director of CIP or are you the associate
15 director at CIP at this specific location
16 you're at, at that time?

17 A. Initially, I was the only one.

18 Q. And how long, in total, were
19 you at the Gates Avenue facility that first
20 go-around?

21 A. I can't recall. It's been so
22 long.

23 Q. Were you at another location
24 before the Gates Ave at that one time that
25 we just discussed?

1 J. WASHINGTON

2 A. Can you repeat that, please?

3 Q. Were you at any other -- were
4 you working at any other Doe Fund location
5 before you started working as a supervisor
6 of CIP at the Gates Ave location in
7 Brooklyn?

8 A. No.

9 Q. Where were you working before
10 that?

11 A. I was a firefighter in Upstate
12 New York, in Syracuse, New York.

13 Q. And around what year was this?

14 A. What year for --

15 Q. You were a firefighter in
16 Syracuse, New York.

17 A. I came to The Doe Fund in '94.
18 It's about eight years before that,
19 mid-'80s.

20 Q. That time period that you said
21 eight years before you began working at The
22 Doe Fund, what was going on those eight
23 years?

24 MS. BAUER: Object to the form.

25 Q. You can answer.

1 J. WASHINGTON

2 A. That's when I was working at
3 the fire department.

4 Q. Okay. So you --

5 A. I was there for about eight
6 years, right.

7 Q. What's your current salary at
8 The Doe Fund?

9 MS. BAUER: What does that
10 matter?

11 MS. O'CONNELL: He's a
12 defendant in this action.

13 MS. BAUER: So?

14 MS. O'CONNELL: Salary's
15 relevant to damages.

16 MS. BAUER: I'm going to just
17 object.

18 But you can answer.

19 A. Approximately 79.

20 Q. And do you have benefits, like
21 healthcare or life insurance?

22 A. Yes.

23 Q. What benefits do you have?

24 A. Health, dental, vision, life
25 insurance.

1 J. WASHINGTON

2 Q. Do all Doe Fund employees have
3 additional benefits beyond their salary?

4 A. I wouldn't know.

5 Q. Okay. Have you ever been
6 arrested?

7 A. Yes.

8 Q. When were you arrested?

9 A. I believe it was around 1976 or
10 '77.

11 Q. And what were you arrested for?

12 A. Obstruction.

13 Q. And were you found guilty?

14 A. I think -- I pled out. So,
15 yes.

16 Q. Did you serve time for the
17 obstruction?

18 A. No.

19 Q. Were you arrested at any other
20 time period?

21 A. No.

22 Q. And where did this arrest take
23 place?

24 A. Syracuse.

25 Q. What were the circumstances

1 J. WASHINGTON

2 surrounding the obstruction charge?

3 MS. BAUER: I'm going to
4 object.

5 But you can answer.

6 A. Uh, my girlfriend at the time,
7 her brother got into a little bit of
8 trouble with the police. It was in front
9 of our apartment. And I kind of got
10 involved and he got away and they took me.

11 Q. Did you spend any time in jail
12 with regard to this arrest?

13 A. One night.

14 Q. Have you entered into any
15 agreement with The Doe Fund regarding this
16 lawsuit?

17 MS. BAUER: Object to the form.

18 A. I'm not sure what you mean by
19 agreement.

20 Q. An agreement as far as
21 representation.

22 A. Yes.

23 Q. Is the company paying for your
24 legal expenses?

25 A. Yes.

1 J. WASHINGTON

2 Q. Do you know how much?

3 A. No.

4 Q. Do you know if there's a cap on
5 the amount of legal fees that they're able
6 to pay?

7 A. No.

8 Q. Did the company advise you if
9 you needed to seek separate counsel?

10 A. Yes.

11 Q. Have you ever filed bankruptcy?

12 A. No.

13 Q. Have you been a party to any
14 litigation?

15 A. No.

16 Q. This is the only litigation
17 that you've been a part of?

18 A. Yes.

19 Q. Have you ever been a witness in
20 any lawsuit?

21 A. No.

22 Q. Have you ever been a part of an
23 EEOC investigation?

24 A. Not sure what that is.

25 Q. Do you know what the EEOC is?

1 J. WASHINGTON

2 A. No.

3 Q. Okay. I want to talk a little
4 bit about your education. What's the
5 highest level of education that you've
6 completed?

7 A. Some college.

8 Q. And how much college did you
9 take?

10 A. About a year and a half.

11 Q. And why did you stop?

12 A. I was young.

13 Q. What does that mean?

14 A. College got boring.

15 Q. Around how old were you when
16 you started with The Doe Fund?

17 A. I can't remember.

18 Q. Did you ever take continuing
19 education classes with regards to your
20 current employment with The Doe Fund?

21 A. Yes.

22 Q. What sort of classes do you
23 take?

24 A. A variety of management
25 classes, um, health-related classes, um,

1 J. WASHINGTON

2 and also trainings that The Doe Fund sets
3 up.

4 Q. What sort of training?

5 A. First aid, CPR, fire guard,
6 F80, sexual harassment. Um, there are a
7 few others, I just can't remember them all.

8 Q. About how often does The Doe
9 Fund have trainings?

10 A. Every year.

11 Q. How often do they have
12 trainings on sexual harassment?

13 A. I don't know.

14 Q. When was your last sexual
15 harassment training?

16 A. Last year.

17 Q. Do you remember if they had a
18 training in the year before that, too?

19 A. Yes, they did.

20 Q. And do you remember if they had
21 a training in 2006 -- sorry, 2016?

22 A. I don't recall.

23 Q. Do you recall if there was a
24 sexual harassment training in 2015?

25 A. Not sure.

1 J. WASHINGTON

2 Q. When you are being transferred
3 to different Doe Fund locations, do you
4 undergo retraining each time you're
5 transferred?

6 A. No.

7 Q. When you began working at The
8 Doe Fund most recently about six or seven
9 years ago, did you receive new training
10 then?

11 MS. BAUER: Object to the form.

12 A. Not sure.

13 Q. Do you recall when you were
14 transferred to The Doe Fund Gates Ave
15 facility most recently in receiving sexual
16 harassment training at that time?

17 A. I don't recall.

18 Q. And at The Doe Fund currently,
19 what's your title?

20 A. Facility director.

21 Q. And what's that mean?

22 A. It means that I pretty much am
23 in charge of the facility, the 520 Gates
24 Avenue facility.

25 Q. In charge of what exactly?

1 J. WASHINGTON

2 A. Making sure that the building
3 is up to code.

4 Q. And what sort of codes?

5 A. Fire department codes, um,
6 Department of Building codes, health
7 department codes, things of that nature.

8 Q. And besides being up to code,
9 what other aspects are involved with being
10 a facility director?

11 A. Making sure the staff that I
12 supervise are running their departments
13 appropriately.

14 Q. About how many departments are
15 there?

16 A. I supervise one, two, three --
17 I supervise four.

18 Q. And what departments are those?

19 A. Social services, contract
20 services, housekeeping, maintenance.

21 Q. How long have you been the
22 facility director at Gates Ave?

23 A. Three, maybe four years.

24 Q. Do you recall the year you
25 started to be the facility director?

1 J. WASHINGTON

2 A. I'm sorry?

3 Q. Do you recall the year you
4 first became the facility director of Gates
5 Ave?

6 A. No.

7 Q. What was your position before
8 that?

9 A. Associate director. Associate
10 facility director.

11 Q. How were those responsibilities
12 different?

13 MS. BAUER: Object to the form.

14 You can answer.

15 A. Well, as the associate
16 director, I took more of a hands-on, uh,
17 with the departments. In other words, with
18 social services, I made sure that, uh, the
19 case managers and their files were up to
20 date.

21 Q. So it's within the social
22 services department that there's case
23 managers watching over or looking after the
24 residents of The Doe Fund?

25 A. They're not looking over them,

1 J. WASHINGTON

2 they're pretty much helping them achieve
3 their goals.

4 Q. Are there subdepartments within
5 social services?

6 A. No.

7 Q. Are there other departments at
8 the Gates Ave facility besides those four?

9 A. Yes.

10 Q. And what departments are those?

11 A. Food service, CIP: Community
12 Improvement Project.

13 Q. Where does Ready, Willing &
14 Able fall into?

15 A. Everything.

16 Q. So, it's just all of the
17 departments?

18 A. It's mainly CIP, but, I mean,
19 Ready, Willing & Able is a program, all
20 right? Um, I mean, all of those
21 departments pretty much fall under or fall
22 within Ready, Willing & Able.

23 Q. So you've listed, as far as
24 departments, social services, contract
25 services, housekeeping, maintenance, food

1 J. WASHINGTON

2 services, and CIP. Am I leaving any out?

3 A. I don't think so.

4 Q. I think I have three
5 departments that you observe and you
6 mentioned four. Could you tell me the four
7 departments one more time just to make sure
8 I have all of them?

9 A. Social service, maintenance,
10 housekeeping, contract services.

11 Q. Okay. So, housekeeping and
12 maintenance are separate?

13 A. Yes.

14 Q. Okay. Is Ready, Willing & Able
15 synonymous with The Doe Fund?

16 A. Yes.

17 Q. About how many employees work
18 at the Gates Ave facility?

19 MS. BAUER: I'm going to object
20 to the form.

21 You can answer.

22 A. I mean, I don't have an exact
23 number, but I believe it's approximately
24 ten or more.

25 Q. Are most Doe Fund facilities

1 J. WASHINGTON

2 also operated by around ten employees?

3 A. No.

4 Q. Do some of them have more or
5 less?

6 A. No.

7 Q. Which facility is the largest
8 for The Doe Fund?

9 A. Porter. Porter Avenue.

10 Q. Around how many does Porter
11 have?

12 MS. BAUER: Employees?

13 MS. O'CONNELL: Employees, yes.

14 MS. BAUER: Now? You mean
15 today?

16 MS. O'CONNELL: Yes, today.

17 A. I don't know.

18 Q. Do you know how many employees
19 they had about three years ago?

20 A. No.

21 Q. Two years ago?

22 A. No.

23 Q. Would you say they have more
24 than 20?

25 A. Yes.

1 J. WASHINGTON

2 Q. And more than 20 years ago?

3 A. Yes.

4 Q. And more than 20 today?

5 A. Yes.

6 Q. Where does The Doe Fund's upper
7 management work out of?

8 MS. BAUER: Object to the form.

9 You can answer.

10 A. There are two locations.

11 Q. And where are those?

12 A. 84th Street and 102nd Street.

13 Q. In Manhattan?

14 A. Yes.

15 Q. Is that where HR works, too?

16 A. HR works out of 102nd.

17 Q. About how long were you
18 assistant facility director at Gates Ave?

19 A. Maybe two, three years.

20 Q. And to be clear, before you
21 began being assistant facility director at
22 Gates Ave, you were at another location,
23 the --

24 A. Cook Street.

25 Q. Okay. About how many

1 J. WASHINGTON

2 supervisors were at The Doe Fund Gates Ave
3 social services department?

4 A. One.

5 Q. And who's that person?

6 A. Timothy Mathews.

7 Q. Was it also Timothy Mathews two
8 or three years ago?

9 A. No. Two, three years ago?
10 Maybe two years ago. I don't believe he
11 was -- maybe two years ago.

12 Q. Who was it then?

13 A. Charles Bryant.

14 Q. What happened to Charles
15 Bryant?

16 A. He got a promotion.

17 Q. And where did he -- what was he
18 promoted to?

19 A. Day program coordinator.

20 Q. Did he move out of the Gates
21 Ave location?

22 A. Yes.

23 Q. And where's he working now?

24 A. I'm sorry?

25 Q. Where's he working now?

1 J. WASHINGTON

2 A. Now he's no longer with The Doe
3 Fund.

4 Q. Oh, okay. How many supervisors
5 did you have in 2016 in contract services
6 at the Gates Ave facility?

7 A. One.

8 Q. And who was that?

9 A. Contract services' name was
10 changed from the day program to contract
11 services, so, it was Charles Bryant.

12 Q. Okay. And who was the
13 supervisor in 2016 for CIP?

14 A. There were a number of
15 supervisors.

16 Q. About how many?

17 A. I don't know.

18 Q. Do you remember any of their
19 names?

20 A. Not really, no.

21 Q. Was there more than five?

22 A. Yes.

23 Q. More than ten?

24 A. I don't know.

25 Q. Is it a part of the duties as

1 J. WASHINGTON

2 facility director to make sure that your
3 employees there attend trainings?

4 A. The ones that I supervise, yes.

5 Q. And for the ones that you don't
6 supervise, whose task is it to make sure
7 that they attend trainings?

8 A. Their department head.

9 Q. So, the department head may be
10 outside of the Gates Ave facility?

11 A. Correct.

12 Q. And HR on 102nd Street, is HR
13 for all of The Doe Fund locations?

14 A. Correct.

15 MR. BARTOLOMEO: Can I just
16 take a two-second break?

17 MS. BAUER: Yes.

18 (Whereupon, a brief recess was
19 taken.)

20 Q. Have you ever been terminated
21 from a job?

22 A. No.

23 Q. Are there any of your current
24 supervisors that started out as being Doe
25 Fund residents at one time?

1 J. WASHINGTON

2 MS. BAUER: Object to the form.

3 A. Yes.

4 Q. And who are those individuals?

5 A. Timothy Mathews, James Stevens.

6 Those are the only two.

7 Q. Can you think of any other
8 supervisors that were once Doe Fund
9 residents within the last ten years that
10 you remember?

11 MS. BAUER: Object to the form.

12 A. Too many to mention.

13 Q. Why do you say that?

14 A. Because The Doe Fund is made up
15 of quite a few former residents.

16 Q. Even beyond the Gates Ave
17 facility?

18 A. Yes.

19 Q. So, would you say it's fairly
20 common for The Doe Fund to hire people that
21 were once residents of The Doe Fund?

22 A. Yes.

23 Q. And hire people that were once
24 participants in the Ready, Willing & Able
25 program?

1 J. WASHINGTON

2 A. Yes.

3 Q. Is it encouraged to do that?

4 MS. BAUER: Object to the form.

5 A. I don't think it's encouraged,
6 no.

7 Q. Besides supervisors, does The
8 Doe Fund also employ prior participants of
9 the Ready, Willing & Able program to be
10 employees of The Doe Fund?

11 MS. BAUER: Can you repeat that
12 question?

13 A. Yes, please.

14 Q. A moment ago, you were
15 discussing The Doe Fund employees, former
16 residents, or participants of the Ready,
17 Willing & Able program that are now
18 currently supervisors.

19 Does The Doe Fund also do the
20 same thing with regards to hiring employees
21 as non-supervisors?

22 MS. BAUER: Object to the form.
23 You can answer.

24 A. Yes.

25 Q. Around what percentage, to your

1 J. WASHINGTON

2 knowledge, of Doe Fund employees or
3 supervisors were former participants in the
4 Ready, Willing & Able program?

5 A. I don't know.

6 Q. Would you say more than five
7 percent?

8 A. I don't know.

9 Q. Do you participate in hiring
10 new employees at the Gates Ave facility?

11 A. Yes.

12 Q. And have you participated in
13 hiring new employees at the other Doe Fund
14 facilities, too?

15 A. No.

16 Q. How do you participate in
17 hiring?

18 A. If there's an opening, I would
19 interview, along with HR, any qualified
20 candidates for the departments that I
21 oversee.

22 Q. Would you be involved in hiring
23 both employees and supervisors?

24 A. For my departments, yes.

25 Q. Were you involved in hiring

1 J. WASHINGTON

2 Terry Cooper?

3 A. No.

4 Q. Is that because he was
5 transferred to the Gates Ave facility?

6 A. He was not in my department.
7 He was not one of the people that I would
8 interview to hire.

9 Q. Going back to interviewing for
10 employees and supervisors in your
11 department, is there any sort of incentive
12 to hire a new employee that was once a
13 participant in the Ready, Willing & Able
14 program?

15 MS. BAUER: Object to the form.

16 A. No.

17 Q. To your knowledge, within the
18 past ten years, has there been supervisors
19 that were formerly incarcerated working for
20 The Doe Fund?

21 A. Could you repeat that, please?

22 MS. O'CONNELL: Could you read
23 it back?

24 (Whereupon, the referred to
25 portion of the record was read back

1 J. WASHINGTON

2 by the reporter.)

3 A. Yes.

4 Q. How many do you know of?

5 A. Too many to remember -- to
6 mention.

7 Q. What are the sort of minorities
8 working within The Doe Fund?

9 MS. BAUER: Object to the form.
10 You can answer.

11 A. Hispanics, women, Asian, and
12 there are probably others, but I'm not sure
13 of their nationalities. And
14 African-Americans.

15 Q. In your role as director of the
16 Gates Ave facility, do you have any role or
17 connection with residents' parole?

18 A. Yes.

19 Q. And how's that?

20 A. There are a number of trainees
21 that are on parole or had finished parole.

22 Q. And how are you connected?

23 A. I mean, I pretty much
24 converse with everybody, with all the
25 guys.

1 J. WASHINGTON

2 Q. With their parole officers?

3 A. From time to time.

4 Q. And what do you discuss?

5 A. They'll call -- if the case
6 manager or if the associate director is not
7 available, they'll contact me to find out
8 how the trainee's doing.

9 Q. Because you have access to the
10 trainee's records?

11 A. I have access to their case
12 notes, yes. I don't have case to their,
13 um -- to their criminal justice records.

14 Q. You have at least access to
15 what the caseworker --

16 A. Yes.

17 Q. -- The Doe Fund caseworker has?

18 A. Yes.

19 Q. Okay. And the caseworker and
20 essentially The Doe Fund makes notes
21 whether that resident is doing well or not
22 performing well while they're at The Doe
23 Fund?

24 MS. BAUER: Object to the form.

25 You can answer.

1 J. WASHINGTON

2 A. There are a number of reports
3 or follow-ups. Uh, the case manager has to
4 meet with the trainee at least once a week
5 or you're supposed to meet with the trainee
6 once a week to get an update on how he's
7 doing, if there's any issues, and that
8 meeting will be documented in the case
9 notes.

10 If a trainee does not meet with
11 his case manager every week, that's also
12 documented, that the trainee missed, uh, a
13 scheduled meeting.

14 Q. And what sort of things would
15 the case management worker write down that
16 could affect the resident's parole terms?

17 A. Nothing.

18 Q. Are there any circumstances
19 that you could think of that would
20 adversely affect a resident's parole?

21 A. No.

22 Q. For residents at The Doe Fund
23 that are on parole, is cooperating with The
24 Doe Fund some sort of term of their parole?

25 A. Not at my location.

1 J. WASHINGTON

2 Q. Are there other locations like
3 that?

4 A. Porter Avenue.

5 Q. And how is Porter different
6 from the Gates Ave facility?

7 A. Well, Porter accepts parolees
8 now. Within the last couple of years, they
9 have been pretty much working with parole
10 to build a criminal justice program.

11 Q. And what's that mean?

12 A. That means that any trainee
13 that's interested in enrolling in Ready,
14 Willing & Able, uh, must be on parole for
15 Porter Avenue.

16 Q. But the Gates Ave also accepts
17 parolees, right?

18 A. Not anymore.

19 Q. When did they quit accepting
20 parolees?

21 A. About a couple of years ago.

22 Q. How many's a couple?

23 A. Two.

24 Q. Two. But in 2016, they
25 accepted parolees?

1 J. WASHINGTON

2 A. Right. I believe that's when
3 it changed over.

4 Q. Do you know why they quit
5 accepting parolees?

6 A. Because they were trying to
7 build the program at Porter.

8 Q. Otherwise, move parolees to
9 that one specific location rather than
10 different locations?

11 A. Right. Well, we wouldn't move
12 them from Gates. They would just
13 transition out. You know, once they
14 completed a program, then we would stop
15 taking any guys that were on parole.

16 Q. How is the Porter location a
17 better location for parolees?

18 MS. BAUER: Object to the form.

19 A. I don't know if it's better.
20 It's just, they're trying to build a
21 criminal justice program there.

22 Q. But why not have it at Gates,
23 too? Why did they make the change?

24 A. I would not know. I'm not up
25 in that decision-making process.

1 J. WASHINGTON

2 Q. So, who does Gates Ave
3 currently accept?

4 A. We accept anybody from the
5 Department of Homeless Services that's
6 ready, willing, and able to change their
7 lives.

8 Q. So I understand that Gates Ave
9 currently does not accept the parolees and
10 it's just Porter now, how could The Doe
11 Fund affect a parolee's terms or --

12 A. I'm not --

13 MS. BAUER: Object to the form.

14 Q. Go ahead.

15 A. I'm not sure of how it's set up
16 at Porter. I work at Gates. I mean,
17 Porter is different than Gates.

18 Q. But a few years ago, Gates also
19 accepted parolees.

20 A. Correct.

21 Q. So, you must understand how it
22 worked back then, right?

23 A. There was no difference. Now I
24 believe there's a difference at Porter, but
25 I'm not sure what it is.

1 J. WASHINGTON

2 Q. Okay. You mentioned, I think,
3 residents enrolling out of the program or
4 essentially advancing beyond the program.
5 Can you tell me about that?

6 A. Once they complete the program,
7 they don't necessarily advance out. There
8 are different phases to the Ready, Willing
9 & Able program and the final phase is,
10 well, one, they get employed; and, two,
11 they find housing.

12 Q. And when they get employed,
13 they get employed either with The Doe Fund
14 or outside employment?

15 A. Employed, period.

16 Q. It doesn't matter? It could be
17 with The Doe Fund or outside?

18 A. Correct.

19 Q. Could you tell me about the
20 different, I guess, stages that a Ready,
21 Willing & Able participant goes through?

22 A. Okay. The first 30 days is
23 pretty much an orientation phase. It's
24 basically for us to evaluate the trainee
25 and for the trainee to evaluate us to see

1 J. WASHINGTON

2 if we're good fits for each other.

3 Um, the first 30 days is also
4 where we allow them and help them
5 accumulate any IDs, address any medical
6 issues they may have. During that first
7 30 days, they're assigned a work -- I'm
8 sorry. There's an assignment in-house
9 where they clean the building. That's for
10 the first 30 days. After the first
11 30 days, they receive a CIP assignment
12 where they would clean the streets.

13 Q. When they're cleaning the Gates
14 Ave facility, how is that different from
15 the work that maintenance is doing, or
16 housekeeping?

17 A. They work with housekeeping.
18 Housekeeping pretty much designates where
19 they would clean in the building. And also
20 during that first 30 days, they receive a
21 \$15 stipend.

22 Q. And does house -- so
23 housekeeping tells them where to work --

24 A. Yes.

25 Q. -- in the building?

1 J. WASHINGTON

2 A. Yes.

3 Q. Do they give them certain hours
4 to work or --

5 A. Yes. Hours are from 8:00 to
6 4:00.

7 Q. So, they have to work
8 continuously between 8:00 to 4:00?

9 A. It depends on whether or not
10 they have medical issues that need to be
11 attended to, whether or not they need to go
12 and try to get IDs, socials, PPD tests,
13 yeah.

14 Q. And if they have those certain
15 issues, need to get an ID or some sort of
16 medical issue, they have to get permission
17 from who to not be working those hours?

18 A. From the housekeeping
19 supervisor.

20 Q. And do they get a certain
21 schedule as far as their hours?

22 A. Monday through Friday.

23 Q. And they can ask for days off,
24 too?

25 A. No.

1 J. WASHINGTON

2 Q. No?

3 A. No.

4 Q. And about how many people are
5 working in maintenance or housekeeping at
6 one time?

7 A. Well, maintenance and
8 housekeeping are separate.

9 Q. Okay. Are you saying the
10 residents in their early stage are working
11 just with housekeeping?

12 A. Yes.

13 Q. Okay. And about how many
14 residents are working with housekeeping at
15 one time?

16 A. That kind of depends on how
17 many trainees we pretty much accepted into
18 the program during those first 30 days, so
19 the -- the number varies.

20 Q. And the new program
21 participants, do they need to buy any
22 materials or does housekeeping have all the
23 materials?

24 A. Housekeeping provides the
25 materials.

1 J. WASHINGTON

2 Q. So they have the cleaner, the
3 brooms?

4 A. Correct.

5 Q. All of that?

6 A. Correct.

7 Q. Is there a uniform that they
8 need to wear?

9 A. Yes.

10 Q. And what does the uniform look
11 like?

12 A. It's a blue uniform. It has
13 Ready, Willing & Able logo on the -- on the
14 back of the shoulder.

15 Q. Is that different from what the
16 supervisor of housekeeping is wearing?

17 A. The supervisor of housekeeping
18 has -- our guy has various uniforms that he
19 wears.

20 Q. Okay.

21 A. He can wear green. He can wear
22 blue.

23 Q. But it still says Ready,
24 Willing & Able on it?

25 A. Yes.

1 J. WASHINGTON

2 Q. So the blue Ready, Willing &
3 Able uniforms are more for the newer
4 participants or --

5 A. For all participants.

6 Q. All participants?

7 A. Right.

8 Q. Okay. Are the new participants
9 only working at this specific facility that
10 they're living in or do they also go to
11 other Doe Fund locations to help --

12 A. No. The facility that they're
13 living in.

14 Q. Okay. What if someone doesn't
15 know how to clean, does the supervisor tell
16 them how to do a certain job?

17 A. He tells them and he shows
18 them.

19 Q. Okay. When there isn't enough
20 Ready, Willing & Able participants to
21 engage in housekeeping tasks, does the
22 housekeep -- what happens? Does the
23 supervisor just do the work?

24 A. Yes.

25 Q. Okay. So the more

1 J. WASHINGTON

2 participants, the less work the supervisor
3 has to do, as far as the actual cleaning?

4 A. No. Because there are still
5 other tasks that he needs to perform.

6 Q. So -- I'm sorry, go ahead.

7 A. So, when he has less, uh, he
8 would pitch in, uh, clean and still take
9 care of his tasks.

10 Q. Okay. Could you tell me a
11 little bit about the -- what sort of tasks
12 are assigned to the participants when
13 they're doing housekeeping?

14 A. They clean the bathrooms, mop
15 the hallways, um, clean the cafeteria, mop
16 the cafeteria, um, wipe down doorknobs,
17 clean windows. That's just a few of the
18 things that they do.

19 Q. Can a supervisor somehow punish
20 an employee if they're not doing their
21 task?

22 A. No.

23 Q. Do they evaluate them, if
24 they're not doing a good job or are doing a
25 good job?

1 J. WASHINGTON

2 A. Yes.

3 Q. And what's the evaluation
4 process?

5 A. There's a form that he fills
6 out and gives to the case manager and then
7 the case manager will address the trainee,
8 talk to the trainee, see if there's an
9 issue, find out if there's something going
10 on that may be bothering the trainee, and
11 try to get to the bottom of the issue.

12 Q. In these early stages that
13 we're discussing, is there certain
14 circumstances where the new participant
15 would be discharged from the program?

16 MS. BAUER: Object to the form.
17 You can answer.

18 A. I mean, if -- I mean, it has to
19 be something drastic because we realize
20 that everybody comes from different
21 backgrounds. Everybody will say that
22 they're there for the correct -- you know,
23 for the right reasons, to get their lives
24 back together, but some guys have different
25 motives. Uh, maybe they just want to get

1 J. WASHINGTON

2 out of the shelter they were living in, you
3 know, living in a dorm with 25 other guys.

4 We have rooms that house two
5 guys, um, so, it has to be something really
6 drastic, um, I mean, fighting, stealing,
7 things of that nature.

8 Q. And the stipend that you
9 mentioned, how often is that paid?

10 A. The \$15 stipend, every week,
11 once a week.

12 Q. Do they ever get more than
13 that?

14 A. Yes.

15 Q. How does the participant get
16 more?

17 A. Well, they work Monday through
18 Friday, right? That's the normal schedule.

19 Q. Yes.

20 A. If they want to work a Saturday
21 or a Sunday, then the stipend -- the \$15
22 stipend will be doubled.

23 Q. Oh, okay. Is there any other
24 ways?

25 A. No.

1 J. WASHINGTON

2 Q. And this is what we're
3 discussing is for the first 30 days, right?

4 A. Correct.

5 Q. And how does a participant move
6 out of the first 30 days into, I guess, the
7 next --

8 A. Well, once he's finished his
9 first 30 days or sooner, if there's a need,
10 uh, in the -- uh, in CIP, then, uh, that
11 trainee's name would be brought up in our
12 staff meeting. The case manager, myself,
13 the social director would agree that this
14 person is eligible to start his next
15 assignment.

16 And he would -- that trainee
17 would go to orientation, uh, to get the dos
18 and the don'ts of the CIP assignment. And
19 then that following week, that trainee
20 would start his CIP assignment.

21 Q. During the first 30 days, is
22 the participant allowed to have outside
23 employment?

24 A. No.

25 Q. During the next phase after the

1 J. WASHINGTON

2 first 30 days, are they allowed to have
3 outside employment?

4 A. Not until much later.

5 Q. How is it they don't need to
6 pay by the hour for the first 30 days?

7 A. Because they're participating
8 in a program. It's not a -- it's not a
9 job. It's a program.

10 Q. But do they still get a pay
11 stub?

12 A. Yes.

13 Q. And how are they paid?

14 A. The first 30 days, they are
15 paid in cash.

16 Q. So they get cash and a pay stub
17 to reflect --

18 A. Correct.

19 Q. Okay. Is there any monies put
20 on some sort of card?

21 A. Not during the first 30 days,
22 no.

23 Q. When does that come?

24 A. Once they start their, uh, CIP
25 assignment.

1 J. WASHINGTON

2 Q. And then when they start the
3 CIP assignment, they have a second
4 orientation, basically?

5 A. Yes.

6 Q. Okay. And what is said in that
7 orientation?

8 A. I'm not there, but it's
9 basically to go over the rules of that work
10 assignment, the dos and the don'ts, no cell
11 phones, no headphones, you know, basically
12 no electronic devices, following the
13 supervisor's direction, making sure you're
14 up and ready, on time, to be transported to
15 your assignment, things of that nature.

16 Q. And, again, there's -- that
17 participant is being evaluated at all times
18 based on their work?

19 MS. BAUER: Object to the form.

20 A. They're supposed to be
21 evaluated, yes.

22 Q. When you say "supposed to
23 be" --

24 A. Well, I mean, the supervisors
25 have quite a few trainees that they have to

1 J. WASHINGTON

2 monitor. Um, so, I mean, the supervisor
3 will check on the trainee from time to time
4 and he's supposed to be evaluating, uh, and
5 there is supposed to be a monthly
6 evaluation for the guys, not weekly.

7 Q. And they provide -- what sort
8 of CIP tasks or work is assigned?

9 A. The main function is sweeping,
10 cleaning the streets, changing garbage
11 cans.

12 Q. Are they being monitored at all
13 times when they're doing this?

14 A. Not at all times, because like
15 I said, the supervisor has a number of
16 guys, uh, that he needs to check on. So,
17 it's not like he's constantly with one guy,
18 um, you know, for all those hours in a day.
19 He has to check on his entire crew.

20 Q. So, I guess my understanding is
21 one task could be going into the work van
22 and then go cleaning up like a park or a
23 street, right?

24 A. Yes.

25 Q. And about how many people go on

1 J. WASHINGTON

2 this -- how many people are in the crew?

3 A. Well, I mean, the crew size
4 varies because they work in different
5 areas. Some areas require maybe two or
6 three guys, another area may require
7 five -- five guys.

8 Q. Okay. So, the supervisor goes
9 with them and watches the whole crew as
10 they perform?

11 A. He will travel around and watch
12 them to make sure that they're doing the
13 job correctly.

14 Q. And it's that supervisor that's
15 gives them instructions about how they
16 perform their tasks that day, right?

17 A. Yes.

18 Q. Are there certain rules when
19 the participants are outside The Doe Fund
20 facility working as far as what they can
21 and cannot do?

22 A. Yes.

23 Q. Can you tell me a little bit
24 about that?

25 A. As I mentioned before, no

1 J. WASHINGTON

2 electronic devices, no phones, no
3 headphones, no Smartwatches, um, no
4 fraternizing.

5 Q. So no talking?

6 A. Fraternizing basically means no
7 guests on the routes. Uh, a route needs to
8 be completed in a timely manner. Make sure
9 you're back at the pick-up point, uh, at
10 the specific time, things of that nature.

11 Q. Every route that a participant
12 goes on, does it require defendant training
13 or different procedures?

14 MS. BAUER: Object to the form.

15 A. Some of them do. I'm not
16 familiar with all of them. Um, like I
17 said, you know, the areas vary, you know.
18 Some may require two guys, some may require
19 five. So, you know, I'm pretty sure
20 everything is -- is not standard on each
21 route. They vary.

22 Q. And, again, when they're going
23 on these routes, they're in their blue
24 Ready, Willing & Able uniform?

25 A. Yes.

1 J. WASHINGTON

2 Q. What is this phase called after
3 the first 30 days?

4 A. Of the CIP assignment phase?

5 Q. Yes.

6 A. Yeah.

7 Q. It's just called CIP assignment
8 phase?

9 A. Yes.

10 Q. Is there ongoing training
11 during this phase?

12 A. I'm not sure what you mean
13 ongoing.

14 Q. Are they being trained about
15 how to do their tasks throughout this next
16 phase?

17 MS. BAUER: Object to the form.

18 A. I'm not sure, but I think so.

19 Q. And are they given a variety of
20 different types of assignments to learn new
21 tasks or learn new skills?

22 A. I think it depends on whatever
23 route they're assigned to.

24 Q. What's a more complicated
25 route?

1 J. WASHINGTON

2 A. Well, downtown Brooklyn for
3 one. Um, I mean, there's a lot more
4 involved in downtown Brooklyn than just
5 sweeping the streets and changing garbage
6 cans. I believe they have to remove fliers
7 from poles.

8 Uh, I believe mailboxes and
9 mail storage boxes are painted, light poles
10 are painted. You know, I believe the
11 garbage cans there are different. Uh, some
12 are, uh, automated, that require special
13 techniques.

14 Q. Okay. But the supervisor tells
15 them all of this --

16 A. Yes.

17 Q. -- how to do it?

18 A. Yeah.

19 Q. Okay. During the first
20 30 days, are the hours kept track of?

21 A. Yes.

22 Q. And during the CIP days, the
23 hours are also kept track of, right?

24 A. Yes.

25 Q. And are they paid by the hour

1 J. WASHINGTON

2 at that time?

3 A. Yes.

4 Q. And how much are they paid by
5 the hour?

6 A. Right now, \$13 an hour.

7 Q. Okay. Would it be different in
8 Jersey City?

9 A. Back then, yes.

10 Q. Oh, okay. But also, now,
11 because Jersey City's a different state,
12 would it be a different hourly rate?

13 A. It wouldn't be a salary. It
14 would still be a stipend.

15 Q. Correct. During the CIP period
16 because the participants are being paid by
17 the hour, is it kind of up to the
18 participants to ask for more work or try to
19 accumulate as many hours possible?

20 A. Can you repeat that, please?

21 MS. O'CONNELL: Could you read
22 it back?

23 (Whereupon, the referred to
24 portion of the record was read back
25 by the reporter.)

1 J. WASHINGTON

2 A. They can, yes.

3 Q. Is there a cap on how many
4 hours they could accumulate?

5 A. That, I don't know.

6 Q. Is there a minimum?

7 A. 30.

8 Q. And, again, during this time,
9 they can't seek other employment
10 opportunities?

11 A. Well, they're participating in
12 the program, so, the employment phase
13 doesn't come until much later.

14 Q. Okay. During this phase, do
15 they have health insurance from The Doe
16 Fund?

17 A. No.

18 Q. Do they have any health
19 insurance, to your knowledge?

20 A. We require all trainees to
21 apply for Medicaid.

22 Q. Do they have any sick days?

23 A. Yes.

24 Q. How many sick days?

25 A. Three.

1 J. WASHINGTON

2 Q. And how much time do they need
3 to be in the CIP phase of this? How long
4 does that participant need to stay in the
5 CIP phase?

6 A. Well, it varies. Uh, it
7 depends. Um, because we have vocational
8 trainings, uh, if a trainee wants to
9 participate in culinary, if an assignment
10 becomes available in food service, then
11 that trainee could also go to food service.

12 Q. Okay. So, you're referring to
13 they can essentially not work on the street
14 assignments and work more internally in the
15 kitchen?

16 A. Correct.

17 Q. And there's a number of
18 different vocational trainings, so they
19 could be trained as far as working within
20 The Doe Fund facility?

21 A. As far as being reassigned,
22 yes.

23 Q. And do they simply apply to be
24 reassigned?

25 A. Well, you have to apply for the

1 J. WASHINGTON

2 specific locations. You have to fill out
3 an application if you're interested in
4 culinary, uh, if you're interested in the
5 computer lab, yeah.

6 Q. And then you -- if you're
7 reassigned, you still need to make your
8 minimum of 30 hours?

9 A. Yes.

10 Q. Could it be a mix of working
11 with the crew, cleaning, and also kitchen?

12 A. No.

13 Q. It has to be completely one or
14 the other?

15 A. Yes.

16 Q. And when someone applies and is
17 accepted for a certain vocation, let's say
18 the kitchen assignment, are they expected
19 to be working there indefinitely, or what
20 happens to them?

21 MS. BAUER: Object to the form.

22 A. Well, each vocation requires
23 that you participate in certain classes.
24 Uh, for example, culinary, uh, you have to
25 take a food handler's class, you have to

1 J. WASHINGTON

2 take a customer service class. So, each
3 vocation is different.

4 Q. For a food handling class, is
5 that some sort of certification program?

6 A. Yes.

7 Q. And does the Doe Fund pay for
8 the certification?

9 A. I'm not sure how it comes
10 about, but, um, the trainee would have to
11 take that particular class.

12 Q. And when does the CIP phase
13 end?

14 A. If a trainee continues in the
15 CIP phase till the end, uh, it would end
16 after he goes through CSS, Career Success
17 Strategies. Um, then he would, uh, start
18 the job search phase, and then during the
19 job search phase, if he found employment,
20 um, the next phase would be to find
21 housing.

22 Q. How long does it take to get to
23 this CSS phase?

24 A. Typically, eight to nine
25 months.

1 J. WASHINGTON

2 Q. What if someone is already
3 working in a different vocation, do they
4 have to do the job search if they're
5 already working in a different department?

6 A. Yes. They would have to do the
7 job search, because they're not employed at
8 that point. They're just assigned to the
9 kitchen.

10 Q. From the job search phase,
11 could they apply to positions at The Doe
12 Fund?

13 A. No.

14 Q. How is it then that other
15 employees that were once participants in
16 the Ready, Willing & Able program, were --
17 had their opportunity for employment with
18 The Doe Fund?

19 A. I'm not sure.

20 Q. Is there a point where the
21 participant is cut off from working at The
22 Doe Fund if they're unable to find outside
23 employment?

24 A. Yes.

25 Q. When is that?

1 J. WASHINGTON

2 A. After two months.

3 Q. Two months after CSS?

4 A. Two months after job search.

5 Q. Okay. When someone finds a job
6 during this job search portion, are they
7 still able to live at The Doe Fund
8 facility?

9 A. Yes.

10 Q. And how long could they live
11 there?

12 A. It depends on when they find
13 housing.

14 Q. Do you remember when Timothy
15 Mathews first began working for The Doe
16 Fund?

17 A. No.

18 Q. Do you remember when James
19 Stevens first began working for The Doe
20 Fund?

21 A. No.

22 Q. Do you recall when any of the
23 other employees or supervisors that you
24 mentioned earlier were once Ready, Willing
25 & Able participants began working for The

1 J. WASHINGTON

2 Doe Fund?

3 A. No.

4 MS. O'CONNELL: Can we mark
5 this J.W. Exhibit 1.

6 (Whereupon, J.W. Exhibit, 1
7 Community Improvement Project Field
8 Schedule, was marked for
9 identification as of this date by the
10 reporter.)

11 MS. O'CONNELL: J.W. Exhibit 1
12 is what has been Bates stamped TDF
13 142, Community Improvement Project
14 field schedule.

15 Q. I just handed you what's been
16 marked J.W. Exhibit 1. Do you recognize
17 this type of document?

18 A. Yes.

19 Q. What is it?

20 A. It's a CIP work schedule.

21 Q. Is this similar to how all
22 field schedules are?

23 A. Yes.

24 Q. How is it different from a
25 schedule that the participants receive

1 J. WASHINGTON

2 their first 30 days?

3 A. Well, the days off, for one.

4 Q. How is it different from a
5 schedule that other Doe Fund employees
6 have?

7 MS. BAUER: Object to the form.

8 A. Well, this schedule is for
9 trainees. Um, Doe Fund staff members don't
10 receive this.

11 Q. Does it typically say who the
12 case manager is on here?

13 A. Correct, it would.

14 Q. And it says under field
15 supervisor, Hudson River p.m. Saturday to
16 Wednesday. Is a person's name supposed to
17 be there or is that just like the exact, I
18 guess, vocation that they're supposed to be
19 working in?

20 A. Sometimes they would have the
21 route instead of the supervisor because the
22 supervisor rotates.

23 Q. What is the Hudson River route?

24 A. Hudson River Park Trust, uh,
25 along the West Side Highway -- West

1 J. WASHINGTON

2 Street -- West Side Highway.

3 MS. O'CONNELL: Could you mark
4 this?

5 Q. I'm handing you what's been
6 marked J.W. Exhibit 2, Bates stamped TDF
7 26. Do you recognize this document?

8 (Whereupon, J.W. Exhibit 2,
9 Work-To-Pay Hours, was marked for
10 identification as of this date by the
11 reporter.)

12 A. Yes.

13 Q. What is it?

14 A. It's the work-to-pay hours.

15 Q. And is that based off of the
16 field schedule that I gave you earlier,
17 Exhibit 1?

18 A. The bottom portion seems to be,
19 July.

20 Q. So, in other words, each field
21 schedule that participants receives, it
22 would be all on the client tracking
23 database or that information would be
24 transferred here after they work it?

25 MS. BAUER: Object to the form.

1 J. WASHINGTON

2 Q. Is that a "yes"?

3 A. After they show up for the
4 assignment and those hours are completed,
5 the hours would be inputted or entered
6 in -- on a tracking database to reflect the
7 work assignment.

8 Q. And is this sort of database
9 only used for CIP participants?

10 A. No.

11 Q. Why do you say that?

12 A. It's also used for trainees
13 that are assigned to the kitchen, food
14 service, and also custodial.

15 Q. Custodial --

16 A. I'm sorry.

17 Q. -- trainees?

18 A. Housekeeping.

19 Q. Oh. So the participants
20 working the first 30 days?

21 A. Correct.

22 Q. Okay. Is it used for any other
23 Doe Fund employees?

24 MS. BAUER: Object to the form.

25 You can answer.

1 J. WASHINGTON

2 A. This is not used for Doe Fund
3 staff.

4 Q. And if you look under admission
5 date, which is that bold larger font, and
6 it has, I guess, different columns, where
7 it says pay rate, you see that?

8 A. Yes.

9 Q. What is that referring to?

10 A. Okay. If you look down at the
11 bottom, that same column, where it says
12 stipend two, that reflects the 30 days, the
13 first 30 days. The full-basic reflects
14 once they've been assigned the CIP or the
15 kitchen.

16 Q. And full-basic would be based
17 off the hours worked?

18 MS. BAUER: Object to the form.

19 A. No. It's -- it means that
20 they're no longer working housekeeping. It
21 means that they've been assigned to either
22 CIP or kitchen.

23 Q. And then, one, two, three, the
24 third column, which is three more to the
25 left of pay rate, is that the abbreviation

1 J. WASHINGTON

2 for total hours there?

3 MS. BAUER: Can you repeat that
4 or read it back? I didn't hear what
5 you said.

6 Q. If you're going from the left
7 where it says week ending date, one, two,
8 three, where it says TTL HRS, do you see
9 that? I think the abbreviation for total
10 hours; is that correct?

11 A. Correct.

12 Q. And that would be the total
13 hours that the participant worked in a
14 given week, right?

15 A. Yes.

16 Q. And what does PPA done mean,
17 which is one more column to the right?

18 A. Prior period adjustment.

19 Q. And what would that be used
20 for?

21 A. If a trainee completed hours
22 prior and those hours were not entered, you
23 would enter them in PPA.

24 Q. And what does contract grad
25 mean? It looks like the column is blank,

1 J. WASHINGTON

2 but I didn't know what that meant.

3 A. From time to time we have
4 trainees that have gotten employed, have
5 moved out and at some point they lost their
6 employment and they needed assistance, then
7 they could come back to us, to The Doe Fund
8 RWA and we would help them out by giving
9 them a 30-day contract. So, that's where
10 the contract grad would come in.

11 Q. There would be a Doe Fund
12 contract employee for 30 days?

13 A. No, no. They would not be an
14 employee. We would come back -- they would
15 come back and we would assist them. Um,
16 so, they wouldn't lose their apartment,
17 we'd give them an assignment and we would
18 also have them work with our career
19 development specialists to try and find
20 employment.

21 Q. And now I'm going to the right
22 of that first long line going down in the
23 columns. What do those abbreviations mean?

24 A. I'm sorry, where?

25 Q. The -- you see the first big

1 J. WASHINGTON

2 horizontal line -- I'm sorry, vertical
3 line?

4 A. Uh-huh.

5 Q. What are these abbreviations to
6 the right meaning?

7 MS. BAUER: Can you read it for
8 him so he knows where you're looking?

9 Q. SUWRK, I'm guessing this means
10 Sunday -- is it basically like a schedule,
11 like Sunday work, Sunday late, Sunday
12 hours? It says SU where your finger's at.

13 A. Correct.

14 Q. So, for each day of the week,
15 that particular day of the week, WRK
16 meaning work, whether they're working or
17 not, essentially?

18 A. Correct.

19 Q. And then their rate and then
20 the hours worked that day, right?

21 A. No. Route.

22 Q. Oh, route, okay.

23 MS. O'CONNELL: Exhibit 3.

24 (Whereupon, J.W. Exhibit 3,

25 Comp Data, was marked for

1 J. WASHINGTON

2 identification as of this date by the
3 reporter.)

4 Q. I just hand you what's been
5 marked as Exhibit 3, Bates stamped TDF 27
6 through TDF 36. Do you recognize this set
7 of documents?

8 A. Yes.

9 Q. What is it?

10 A. It's a printout of the comp
11 data.

12 Q. As in compensation?

13 A. I'm sorry?

14 Q. As in compensation?

15 A. No.

16 Q. What does that mean then, comp?

17 A. The comp data, it's the card.

18 It's the company that they use is the name
19 of the card that the trainees receive.

20 Q. So how they receive their
21 payment for --

22 A. How they receive their stipend.

23 Q. And Doe Fund loads the cards
24 directly?

25 A. I'm sorry?

1 J. WASHINGTON

2 Q. Does Doe Fund load the cards
3 directly?

4 A. I don't know. Either they load
5 or the company loads. I'm not sure.

6 Q. Who handles this sort of work
7 at The Doe Fund?

8 A. Uh, people at HR.

9 Q. So the --

10 A. 102nd.

11 Q. Okay. So HR loads the card
12 with the amount called VMF under the amount
13 column --

14 MS. BAUER: Objection to form.
15 He did not testify to that.

16 Q. Do you see the amount column?

17 A. Yes.

18 Q. It looks like there's some sort
19 of highlights where it says "bank load."
20 Is there any reason why the amounts are
21 much higher than just the stipend amount of
22 30-some dollars?

23 A. I'm not sure I understand the
24 question.

25 Q. How much was the stipend,

1 J. WASHINGTON

2 about?

3 A. Which stipend? The 30-day
4 stipend?

5 Q. Yes, the 30-day --

6 A. 15.

7 Q. 15 per week, right?

8 A. Yes.

9 Q. And then the second phase, they
10 get how much?

11 A. It depends on how many hours
12 they work.

13 Q. Okay. So, based on the hours,
14 that's why there would be a variance in the
15 amount loaded to the card, right?

16 A. I don't know. Why there's a
17 difference, I don't know.

18 Q. Do you know what sort of
19 deductions participants have taken out of
20 their stipend --

21 MS. BAUER: Object to the form.
22 You can answer.

23 Q. -- as you're calling it?

24 A. 34.50 is taken out for savings,
25 which the trainee gets that at the end of

1 J. WASHINGTON

2 his stay in the program, um --

3 Q. How do they get that amount;
4 via check or cash?

5 A. It's loaded to their card.

6 Q. Okay.

7 A. And 1.24 is taken out for
8 program fees.

9 Q. Does that include living
10 expenses then?

11 MS. BAUER: What expenses?

12 MS. O'CONNELL: Living expenses
13 or housing.

14 A. Program fees. Whatever the
15 program fees include, um, it could be
16 housing.

17 Q. Could you flip to the next
18 page, TDF 28. To the bottom left it says,
19 "take home comp data." Is that the amount
20 that's left over after the deductions that
21 are put on the card?

22 A. Yes.

23 Q. Under what circumstances does
24 the program service fee change?

25 A. It doesn't, as long as they're

1 J. WASHINGTON

2 participating in the program.

3 Q. Are all of these documents Doe
4 Fund documents where it has the individual
5 pay statements?

6 A. Yes.

7 Q. On the first page, is there a
8 reason why it says card/employee number, if
9 you're saying he's not an employee?

10 A. I'm sorry, where are you?

11 Q. At the top. One of the -- I
12 guess second line down under customer ID
13 number.

14 A. I have no idea what that number
15 represents.

16 Q. Are some Doe Fund employees
17 also paid via this comp card?

18 A. No.

19 Q. It's just the participants?

20 A. Correct.

21 MS. O'CONNELL: Exhibit 4.

22 (Whereupon, J.W. Exhibit 4,
23 Trainee Handbook, was marked for
24 identification as of this date by the
25 reporter.)

1 J. WASHINGTON

2 Q. Do you recognize this document?

3 A. Yes.

4 Q. What is it?

5 A. It's the trainee handbook.

6 MS. O'CONNELL: Let the record
7 reflect I handed the witness
8 Exhibit 4 which has been Bates
9 stamped TDF 149 through TDF 153.

10 Q. Is this the Ready, Willing &
11 Able CIP handbook that you still use today?

12 A. I'm not sure.

13 Q. You could take your time and
14 look through the document.

15 A. Yes, it's the same.

16 Q. And does this encompasses some
17 of the same rules that you were describing
18 earlier about what participants can and
19 cannot do while working?

20 A. Yes.

21 Q. Is there additional, I guess,
22 ground rules outside of this document that
23 are given verbally?

24 A. I'm not sure.

25 Q. Is there a document that The

1 J. WASHINGTON

2 Doe Fund or the Ready, Willing & Able
3 program provide that give certain specific
4 instructions with individual vocations or
5 field projects?

6 A. Each vocational training has
7 its own set of rules outside of CIP.

8 Q. And would there be different
9 rule or additional rules for participants
10 that are working in the field?

11 A. I'm not sure what you mean.

12 Q. If someone's doing the Hudson
13 route, do they receive additional rules or
14 instructions in a physical form like this
15 when they're going to one of those routes?

16 A. I'm not sure.

17 Q. Okay. But there would be at
18 least some verbal rules or instructions?

19 A. Yes.

20 Q. Okay.

21 MS. O'CONNELL: Off the record.

22 (Whereupon, a discussion was
23 held off the record.)

24 MS. O'CONNELL: This is 5.

25 (Whereupon, J.W. Exhibit 5,

1 J. WASHINGTON

2 Trainee Statement, was marked for
3 identification as of this date by the
4 reporter.)

5 Q. I've just handed you what's
6 been marked as J.W. Exhibit 5, which is
7 Bates stamped Brooks 20 through 23. Do you
8 recognize this document?

9 A. Yes.

10 Q. What is it?

11 A. It's the statement that
12 trainees receive.

13 Q. Okay. The part on the right
14 where it says other benefits and
15 information savings total to date, is that
16 the savings that's taken out as a deduction
17 each time?

18 A. The 128?

19 Q. Yes.

20 A. I believe that's the total.

21 Q. But that's the total of the

22 32 --

23 A. Correct.

24 Q. -- that's taken out on this
25 particular first page of Brooks 20?

1 J. WASHINGTON

2 And then going under the column
3 deductions other where it says net pay comp
4 data, that's the comp data card, right?

5 A. Correct.

6 Q. And because the 120 on this
7 particular page is going to the comp data
8 card, that's the reason why there's no net
9 check? That part is left zero?

10 A. I'm not sure.

11 Q. Okay. When it's deposited to
12 the account, it's just deposited to the
13 comp data account, right?

14 A. I'm not sure where you're
15 looking at.

16 Q. Oh, sorry. At the bottom on
17 the image of the check, it says deposited
18 to the account of, and then it says account
19 number, Gregory Brooks. That information,
20 is that basically the comp data card?

21 A. Yes.

22 Q. Okay. And all of these bank
23 statements are mailed to The Doe Fund
24 participants' address while they're living
25 at The Doe Fund location, right?

1 J. WASHINGTON

2 A. I'm not sure where they're
3 mailed to.

4 MS. O'CONNELL: Exhibit 6.

5 (Whereupon, J.W. Exhibit 6,
6 Trainee Weekly Evaluation Form, was
7 marked for identification as of this
8 date by the reporter.)

9 Q. I handed you what's been marked
10 as J.W. Exhibit 6, which has been Bates
11 stamped TDF 145. Do you recognize this
12 document?

13 A. Yes.

14 Q. What is it?

15 A. It's a trainee weekly
16 evaluation form.

17 Q. And these are given out weekly
18 to trainees or basically any persons in the
19 Ready, Willing & Able program?

20 A. No.

21 Q. Who is it not given out to?

22 A. I'm sorry, who is it not given
23 out to?

24 Q. Who is it given out to, I
25 guess?

1 J. WASHINGTON

2 A. It's given out to the case
3 manager.

4 Q. Okay. Does the trainee look at
5 this or is it in the personnel folder, not
6 to be seen by the trainee?

7 MS. BAUER: Object to the form.

8 A. The case manager receives it,
9 reviews it, and goes over it with the
10 trainee.

11 Q. Are these considered when
12 looking at whether a trainee will be
13 considered for a vocational program?

14 A. Yes.

15 Q. If a trainee meets standards,
16 is it more likely enough than not that they
17 may have an opportunity to engage in
18 participating in a vocational program?

19 A. Yes.

20 Q. So they don't necessarily have
21 to have -- exceed standards?

22 A. No.

23 Q. And these are given out every
24 week, right?

25 A. I don't know.

1 J. WASHINGTON

2 Q. Okay. Is there any
3 circumstances where they wouldn't be given
4 out each week?

5 A. It depends on the supervisor.
6 I mean, supervisors take vacations, they're
7 out sick, so, I'm not really sure of the
8 frequency.

9 Q. If a trainee was doing poorly,
10 would there be higher odds that a negative
11 evaluation would be needed?

12 A. Can you say that again, please?

13 Q. If a trainee was doing poorly,
14 would the need of a negative evaluation be
15 more necessary?

16 MS. BAUER: Object to the form.

17 A. Yes.

18 Q. So in the case of Gregory
19 Brooks, who's listed as the trainee here,
20 Doe Fund produced only this one trainee
21 weekly evaluation form and there's no other
22 one, would that, I guess, mean that he was
23 doing well in the program?

24 A. It could mean a number of
25 things.

1 J. WASHINGTON

2 Q. If he was doing poorly, you
3 would expect, though, to see more negative
4 evaluations, though, right?

5 A. Yes.

6 Q. Okay. Can other individuals
7 that aren't necessarily the trainee's
8 direct supervisor that week create a
9 negative evaluation form if needed?

10 MS. BAUER: Object to the form.

11 A. No.

12 Q. Would there be any other types
13 of documents about negative performance or
14 negative participation that could be placed
15 in a trainee's performance file?

16 A. Yes.

17 Q. What sort of documents are
18 those?

19 A. Trainee incident report.

20 Q. Any others?

21 A. I don't think so.

22 Q. When a participant applies for
23 a vocational program, is it necessary that
24 they have the cover letter or resume?

25 A. No.

1 J. WASHINGTON

2 Q. Is it more helpful for placing
3 them if they have a cover letter or a
4 resume?

5 A. No.

6 Q. Do you look for any specific
7 achievements in a participant's, I guess,
8 job history when placing them for a
9 vocation?

10 A. No.

11 Q. What sort of criteria do you
12 look at?

13 A. It depends on the vocation.

14 Q. Is it fair to say that there is
15 an opportunity for basically anyone that's
16 ready, willing, and able?

17 A. Yes.

18 Q. Okay.

19 MS. O'CONNELL: Exhibit 7.

20 (Whereupon, J.W. Exhibit 7,
21 Trainee Terms of Participation, was
22 marked for identification as of this
23 date by the reporter.)

24 Q. I'm handing you what's been
25 marked as J.W. Exhibit 7, Bates stamped TDF

1 J. WASHINGTON

2 1 through TDF 4. Do you recognize this
3 document?

4 A. Yes.

5 Q. What is it?

6 A. It's the trainee terms of
7 participation.

8 Q. And does this document contain
9 some of the, I guess, criteria in different
10 phases that we're going about earlier?

11 A. Yes.

12 Q. And under D, program phases,
13 did any of these dollar amounts change from
14 when my client signed this in 2016?

15 A. Yes.

16 Q. And what dollar amounts do you
17 see that have changed?

18 A. The 34.50.

19 Q. And where's that?

20 A. Second to the last paragraph or
21 third to the last paragraph.

22 Q. And what is that today?

23 A. It's 34.50 now. Before it was
24 32.

25 Q. And I believe earlier you also

1 J. WASHINGTON

2 mentioned that the per hour changed, was
3 that correct, in paragraph 3 in Section D?

4 A. Right. The paid incentive,
5 yes. It's now 13 instead of 9.20.

6 Q. Did any of these approximation
7 of days or weeks or months in these
8 different phases of programs changed from
9 2016 till today?

10 A. No.

11 Q. Have trainees ever been injured
12 on the job while working under your
13 supervision as facility director of the
14 Gates Ave?

15 A. We've had trainees injured
16 while on their work assignments, yes.

17 Q. Under those circumstances,
18 would they be covered by Workers'
19 Compensation?

20 A. Yes.

21 Q. And are these rules in front of
22 you rules that are necessary for the first
23 30 days and the other phases after the
24 first 30 days?

25 A. Yes.

1 J. WASHINGTON

2 Q. Do participants ever engage in
3 voluntary work?

4 A. I'm not sure.

5 Q. Are they required to maintain
6 volunteer hours or anything like that?

7 A. No.

8 Q. On page 3 of this exhibit, at
9 the very top, it says No. 5. If you could
10 take a moment and read No. 5 to yourself,
11 and just let me know when you're done.

12 A. Okay.

13 Q. Is that a true statement,
14 according to this policy?

15 A. Yes.

16 Q. Are you aware of circumstances
17 where noncompliance did result in a parole
18 violation?

19 A. No.

20 Q. Is that something that a case
21 manager may have more information about?

22 A. No.

23 Q. Do you know instances where
24 participants were afraid that noncompliance
25 could result in a parole violation?

1 J. WASHINGTON

2 A. No.

3 Q. Do participants' parole
4 officers visit them at the locations, at
5 the Gates Ave location?

6 A. Yes.

7 Q. And where do they meet them?

8 A. In the lobby.

9 Q. And then do they like hold a
10 meeting there or -- or what? What happens
11 then after that?

12 A. Well, once they meet -- I mean,
13 they meet with their parolee, it's
14 basically just the two of them.

15 Q. And as part of the phase called
16 graduated services, did we already discuss
17 that, but under a different name? Is
18 graduated services career service or career
19 success strategies or --

20 A. No.

21 Q. -- is that different?

22 A. No. It's different.

23 Q. How are they different?

24 A. Career success strategies, they
25 work with the trainee while he's still

1 J. WASHINGTON

2 living in the facility.

3 Q. In the graduate services?

4 A. That's after the trainee moves
5 out.

6 Q. Where would that be, I guess,
7 located?

8 A. I'm not sure what you mean.

9 Q. How does graduate services of
10 The Doe Fund work with the participants
11 after they leave, I guess, living at the
12 facility?

13 A. Well, once a trainee graduates,
14 we have a retention policy. That's where
15 the graduate services person comes in. In
16 order for the grad to be a graduate, he has
17 to submit employee pay stubs and also
18 submit proof of housing, um, for an
19 extended amount of time in order to receive
20 the grant.

21 Q. And then he would be able to
22 have \$200 per month?

23 A. It's, I think, every four
24 months now.

25 Q. For \$200?

1 J. WASHINGTON

2 A. Yes.

3 Q. So they still have the \$1,000
4 incentive?

5 A. Correct.

6 Q. And what is paid training
7 incentive?

8 A. Are we on --

9 Q. On the last page of the
10 document, the first paragraph, last
11 sentence where it says, "I will continue to
12 receive the paid training incentive for a
13 period of approximately two months."

14 A. Well, that's the job search.

15 Q. Thank you.

16 Do you remember who Terry
17 Cooper is?

18 A. Yes.

19 Q. When did you first meet him?

20 A. I don't remember the exact
21 year.

22 Q. Was it before you were working
23 at Gates Ave, this latest round?

24 A. Yes.

25 Q. Did you learn about Terry

1 J. WASHINGTON

2 Cooper when you worked at Cook Street?

3 A. I'm sorry?

4 Q. Before Gates Ave, you were
5 working at Cook Street, right?

6 A. Correct.

7 Q. Did you have knowledge about
8 Terry Cooper when you were working at Cook
9 Street?

10 A. Before that.

11 Q. Even before that?

12 A. Yes.

13 Q. So Jersey City?

14 A. Uh, before that.

15 Q. Harlem?

16 A. I think so.

17 Q. Okay. So, over 15 years ago?

18 A. Approximately.

19 Q. Okay. And what did you learn
20 about Terry Cooper then?

21 A. I'm not sure what you mean by
22 that.

23 Q. You remember learning of an
24 individual named Terry Cooper back then.
25 What did you learn the first time or how

1 J. WASHINGTON

2 did you hear about him?

3 MS. BAUER: Object to the form.

4 A. I met Terry, I believe he was a
5 case manager at the time, I think. I'm not
6 really sure; can't remember.

7 Q. In Harlem?

8 A. Did I meet him in Harlem?

9 Q. When you first learned about
10 Terry Cooper, did you meet him in person or
11 did you hear about him from other people?

12 A. I met him.

13 Q. Okay. So, did you meet him at
14 the Harlem location?

15 A. I'm not sure exactly where I
16 met him.

17 Q. Okay. And what was your first
18 impression about him?

19 A. He seemed like a nice guy.

20 Q. Has Terry Cooper been in the
21 program -- working with The Doe Fund about,
22 approximately, the same amount of time as
23 you?

24 A. No.

25 Q. More or less?

1 J. WASHINGTON

2 A. Less.

3 Q. Was he ever a participant in
4 the Ready, Willing & Able program?

5 A. I don't remember.

6 Q. Do you recall when Terry Cooper
7 first started working with you at the Gates
8 Ave facility?

9 A. No.

10 Q. Was he there before or after
11 you began working at the Gates Ave facility
12 this most recent time as facility director?

13 A. He came after.

14 Q. Okay. Do you know why he was
15 moved to the Gates Ave facility?

16 A. No.

17 MS. BAUER: Can you just put an
18 objection to the form on --

19 MR. BARTOLOMEO: Yes. I was
20 going to say, note my objection as
21 well.

22 Q. Do you know of any complaints
23 besides the complaint made by my client
24 against Terry Cooper?

25 MR. BARTOLOMEO: Objection.

1 J. WASHINGTON

2 A. No.

3 Q. Did you know of any questions
4 about Terry Cooper's performance?

5 MR. BARTOLOMEO: Objection.

6 A. No.

7 Q. Does The Doe Fund keep a
8 permanent record of their employees?

9 MS. BAUER: Objection to form.

10 A. I don't know.

11 Q. Do you have a permanent record?

12 MS. BAUER: Objection to form.

13 MR. BARTOLOMEO: Objection.

14 A. I don't know.

15 Q. Is there another name that it
16 would go by or --

17 A. I don't know.

18 Q. Does anyone of The Doe Fund
19 evaluate you?

20 A. Yes.

21 Q. Who's that?

22 A. That would be my supervisor,
23 Felipe Vargas.

24 Q. And where does he work?

25 A. I believe his office is at 84th

1 J. WASHINGTON

2 Street.

3 Q. And do you make evaluations of
4 the supervisors under you?

5 A. Yes.

6 Q. And I assume you keep them
7 somewhere, right?

8 A. Yes.

9 Q. And where do you keep them?

10 A. Locked up did in my drawer.

11 Q. So, the physical files?

12 A. Yes.

13 Q. Okay. Who would have
14 evaluations of Terry Cooper?

15 A. His supervisor.

16 Q. Which is?

17 A. At the time, it was Smithson
18 Smith.

19 Q. Smith and Smith?

20 A. Yeah.

21 Q. First name Smith, last name
22 Smith?

23 A. Smithson like Smithsonian,
24 yeah.

25 Q. To your knowledge, does The Doe

1 J. WASHINGTON

2 Fund keep electronic records of performance
3 issues of their employees?

4 A. I don't know.

5 Q. Did you have any access to
6 Mr. Cooper's personnel records or
7 evaluation records?

8 A. No.

9 MS. BAUER: Kelly, whenever
10 would be a good time for a break.

11 MS. O'CONNELL: Okay. I guess
12 we could break now.

13 (Whereupon, a discussion was
14 held off the record.)

15 (Whereupon, a brief recess was
16 taken.)

17 Q. What is your understanding of
18 The Doe Fund sexual harassment policy?

19 A. In what way?

20 Q. Do you know what sexual
21 harassment is?

22 A. Yes.

23 Q. What is that?

24 A. There are a lot of different
25 interpretations, touching, inappropriate

1 J. WASHINGTON

2 comments, um, I mean, continually asking
3 somebody out. I mean, there's a lot of
4 ways that sexual harassment can -- can
5 happen, can take place.

6 Q. Is it your understanding that
7 would take place less at the Gates Ave
8 location because it's mostly men working
9 there or living there?

10 MS. BAUER: Object to the form.

11 MR. BARTOLOMEO: Join in the
12 objection.

13 A. I'm not sure what you mean.

14 Q. You mentioned sexual harassment
15 could be asking someone out, so -- because
16 the Gates Ave location, it's a higher
17 percentage of men working there, right?

18 A. Trainees, staff? I mean,
19 which?

20 Q. I mean, people that are working
21 there, living there, participating in the
22 Ready, Willing & Able program, most of
23 these people are men, right?

24 A. All of them are men.

25 Q. Okay.

1 J. WASHINGTON

2 A. The trainees.

3 Q. So does that make the sexual
4 harassment less common?

5 A. No.

6 Q. Okay. Based on your
7 understanding, can sexual harassment occur
8 between someone who's an employee and
9 someone who is a participant in the Ready,
10 Willing & Able program?

11 A. Yes.

12 Q. Okay. And what happens if
13 there's an incident of alleged sexual
14 harassment under those circumstances?

15 MS. BAUER: I'll object to the
16 form. You can answer.

17 MR. BARTOLOMEO: I join in the
18 objection.

19 A. When you say what happens, I'm
20 not quite sure what you mean.

21 Q. What does The Doe Fund do if
22 there's been an alleged incident of sexual
23 harassment?

24 MS. BAUER: Object to the form.

25 MR. BARTOLOMEO: Join.

1 J. WASHINGTON

2 A. Well, I mean, first we'd have
3 to be informed about it. Once we're
4 informed, there's a process, um, that's in
5 place. If I'm notified, um, my first
6 response would be to notify HR.

7 Q. Okay. Do you know what steps
8 are taken after that?

9 A. No.

10 Q. Are you a participant in any
11 investigations under certain circumstances?

12 MS. BAUER: Object to the form.

13 MR. BARTOLOMEO: Join.

14 A. I guess when you say certain
15 circumstances, I guess it depends on the
16 circumstances.

17 Q. If you are informed and you
18 notify HR about sexual harassment that
19 essentially occurs under your roof because
20 you're the direct facility director, are
21 you involved?

22 A. That would depend on HR.

23 Q. Okay. So it's up to Doe Fund's
24 HR whether or not you're involved in a
25 sexual harassment investigation?

1 J. WASHINGTON

2 A. Yes.

3 Q. Have you been involved in
4 investigations involving sexual harassment
5 at The Doe Fund other than the
6 circumstances that gave rise to my client's
7 complaint?

8 A. No.

9 Q. So this is the first time?

10 A. Yes.

11 Q. Are all Doe Fund employees
12 aware of The Doe Fund sexual harassment
13 policy?

14 MS. BAUER: Object to the form.

15 MR. BARTOLOMEO: Join in the
16 objection.

17 A. I don't know.

18 Q. Do you personally try to make
19 sure that employees working at the Gates
20 Ave location are aware of the sexual
21 harassment policy?

22 A. Those that I supervise, yes.

23 Q. And how do you do that?

24 A. Well, I get with HR to make
25 sure what to find out, if they have

1 J. WASHINGTON

2 participated in previous, uh, sexual
3 harassment trainings.

4 Q. And what do you do if you find
5 out someone under your supervision has not
6 participated?

7 A. Then I'd arrange for them to
8 take the next training.

9 Q. Do you know roughly how often
10 these trainings are?

11 A. No.

12 Q. How do you make sure that all
13 participants in the Ready, Willing & Able
14 program are aware of The Doe Fund sexual
15 harassment policy?

16 A. Rephrase -- repeat that,
17 please.

18 MS. O'CONNELL: Could you read
19 back, please?

20 (Whereupon, the referred to
21 portion of the record was read back
22 by the reporter.)

23 MS. BAUER: Object to the form.
24 You can answer.

25 A. The staff -- my staff, I know,

1 J. WASHINGTON

2 but the trainees, I'm not certain if
3 they're aware.

4 Q. Do you know who would make
5 certain that they're aware?

6 A. That's something that also
7 would come through either HR or, um, upper
8 management, the process.

9 Q. Do you know what Doe Fund
10 employees are instructed to do if they see
11 a violation of The Doe Fund sexual
12 harassment policy?

13 A. They're supposed to notify
14 their immediate supervisor or HR.

15 Q. Is it a violation of any Doe
16 Fund policy if a Doe Fund employee observes
17 or has knowledge of an incident involving
18 sexual harassment to not notify the proper
19 people?

20 MS. BAUER: Object to the form.

21 A. Yes.

22 Q. Do you know an instance where
23 that has occurred?

24 A. No.

25 Q. Do you know what the policy is

1 J. WASHINGTON

2 for Ready, Willing & Able participants to
3 inform their supervisor or proper
4 authorities about alleged violation of
5 sexual harassment?

6 A. No.

7 Q. If there was a serious charge
8 of sexual harassment made against a Doe
9 Fund employee working in your facility,
10 would you want to know about that charge as
11 a precaution?

12 A. Yes.

13 Q. Why's that?

14 A. Well, I mean, as the facility
15 director, even if I'm not the supervisor of
16 that particular staff member, I would still
17 want to know what's going on.

18 Q. Do you feel in such
19 circumstances a type of responsibility to
20 protect the participants or employees in
21 your facility?

22 MS. BAUER: Object to the form.

23 A. Could you either rephrase or
24 repeat that?

25 Q. I'll rephrase.

1 J. WASHINGTON

2 A. All right.

3 Q. As facility director of the
4 Gates Ave location, do you feel a
5 responsibility to protect The Doe Fund
6 participants and The Doe Fund employees
7 from instances of sexual harassment?

8 A. Yes.

9 Q. Even if an earlier allegation
10 was unfounded?

11 MS. BAUER: Object to the form.

12 MR. BARTOLOMEO: Object to the
13 form.

14 A. I really don't know how to
15 answer that because I would have to be made
16 aware of the previous allegation.

17 Q. Okay. Do you know how The Doe
18 Fund would keep track of certain things so
19 you could become aware?

20 MS. BAUER: Object to the form.

21 MR. BARTOLOMEO: Join in the
22 objection.

23 A. No.

24 Q. To your knowledge, there's no
25 system that could have made you aware?

1 J. WASHINGTON

2 A. To my knowledge, no.

3 Q. Are you familiar with the
4 allegations my client's bringing?

5 A. Yes.

6 Q. At this time, are you now aware
7 of prior instances of sexual harassment by
8 Terry Cooper, other than the allegations my
9 client brought?

10 A. Yes.

11 MS. BAUER: Let me just caution
12 you, if it's something your attorneys
13 told you, you shouldn't be testifying
14 to it. Do you understand? So, if
15 you know -- if you can answer the
16 question without divulging anything
17 that we -- Steven or I spoke to you
18 about --

19 THE WITNESS: Okay.

20 A. Then I'd have to say --

21 MS. BAUER: If it's something
22 that we spoke to you about, you can
23 say, my attorney -- you could just
24 say, no, other than my attorney.

25 I'm not trying to coach him,

1 J. WASHINGTON

2 I'm just trying to explain that --

3 MS. O'CONNELL: I don't want to
4 get into attorney-client privilege.

5 MS. BAUER: I know you don't.

6 A. Other than what was discussed
7 with my attorneys, no.

8 Q. Okay.

9 (Whereupon, a discussion was
10 held off the record.)

11 (Whereupon, a recess was
12 taken.)

13 MS. O'CONNELL: This is 8.
14 Exhibit 8.

15 (Whereupon, J.W. Exhibit 8,
16 Incident Report, was marked for
17 identification as of this date by the
18 reporter.)

19 Q. I hand you what's been marked
20 J.W. Exhibit 8, which is Bates stamped TDF
21 181. Do you know what this document is?

22 A. It's an incident report.

23 Q. Have you seen this particular
24 incident report before?

25 A. No.

1 J. WASHINGTON

2 Q. And is this incident report the
3 type that would be used for Doe Fund
4 participants or Doe Fund employees?

5 A. This one would be trainee --

6 Q. Okay.

7 A. -- I believe. This one is from
8 where?

9 Q. And what does RWA mean?

10 A. Ready, Willing & Able.

11 Q. And it looks like there's been
12 some scribble-out, I guess, from the first
13 page, so, it -- is it saying that the
14 victim is a Ready, Willing & Able person
15 that's the victim, right?

16 A. Where are you looking?

17 Q. The first page to the middle
18 right, which says victim member group.

19 A. Yes.

20 Q. So does this mean it's an
21 incident report where the victim is a
22 Ready, Willing & Able person and they're
23 making a complaint about a staff member?

24 A. I don't know.

25 Q. Are these incident reports

1 J. WASHINGTON

2 later typed up or documented in another
3 way?

4 A. To my knowledge, no.

5 Q. Okay. Towards the bottom left,
6 can you identify that person?

7 A. Ladonna Bromfield.

8 Q. Do you know who she is?

9 A. She was a case manager at
10 Porter.

11 Q. Okay.

12 (Whereupon, J.W. Exhibit 9,
13 e-mail, was marked for identification
14 as of this date by the reporter.)

15 Q. I'm handing you what's been
16 marked as J.W. Exhibit 9, Bates stamped TDF
17 186 through 187. Have you ever seen this
18 document before?

19 A. No.

20 Q. It's an e-mail from Ladonna and
21 subject incident between Terry Cooper and
22 trainee blank, which has been redacted, on
23 6/24/13.

24 Do you recognize any of the
25 individuals that this e-mail was addressed

1 J. WASHINGTON

2 to?

3 A. Yes.

4 Q. Who do you recognize?

5 A. Kenise, Eunice, Thomas, Felipe.

6 Q. For those who you identified,
7 do you know what their titles were at that
8 time in 2013?

9 A. No, I don't.

10 Q. Are these HR people within Doe
11 Fund, or who are they?

12 A. Two of them are.

13 Q. Which two?

14 A. Kenise and Eunice.

15 Q. Okay. And Thomas and Felipe,
16 they work at Porter, to your knowledge?

17 A. Thomas did. Felipe, I'm not
18 sure.

19 Q. Have you had a chance -- I know
20 I didn't instruct you to, but did you begin
21 to read or scan any part of this document?

22 A. No, I didn't.

23 Q. Please take a moment to read
24 through it and let me know when you have
25 finished.

1 J. WASHINGTON

2 A. I'm finished.

3 Q. Okay. Based on what you read,
4 is this sort of incident where even if an
5 allegation was unfounded, you would want to
6 know about it?

7 MS. BAUER: Object to the form.
8 You can answer.

9 A. Yes.

10 Q. Would it be accurate to
11 describe Terry Cooper as a touchy, "feely"
12 person?

13 MS. BAUER: Object to the form.

14 MR. BARTOLOMEO: Objection.

15 A. No.

16 Q. Have you ever witnessed Terry
17 Cooper touch another man?

18 A. I mean, if you can consider
19 shaking hands touching.

20 Q. But nothing beyond shaking
21 hands?

22 A. No.

23 Q. And nothing like that has
24 happened, to your knowledge, at the Gates
25 Ave facility involving Mr. Cooper?

1 J. WASHINGTON

2 A. No.

3 MR. BARTOLOMEO: Objection.

4 Q. Involving any other Doe Fund
5 employee?

6 MR. BARTOLOMEO: Objection.

7 MS. BAUER: Objection.

8 A. To my knowledge, no.

9 Q. Do you know who a W. Glenn is?

10 A. William Glenn.

11 Q. Who's he?

12 A. He is the director of Harlem --
13 Harlem facility.

14 Q. Okay.

15 MR. BARTOLOMEO: He's the
16 director of what?

17 MS. BAUER: The Harlem
18 facility?

19 THE WITNESS: Yeah.

20 MR. BARTOLOMEO: Which
21 facility?

22 MS. BAUER: Harlem.

23 MR. BARTOLOMEO: Harlem
24 facility, okay.

25 MS. O'CONNELL: This is

1 J. WASHINGTON

2 Exhibit 10.

3 (Whereupon, J.W. Exhibit 10,
4 Investigative Interview Report, was
5 marked for identification as of this
6 date by the reporter.)

7 Q. I just handed you what's been
8 marked J.W. Exhibit 10, Bates stamped TDF
9 191 through 193. Have you ever seen this
10 document before?

11 A. No.

12 Q. It says investigative interview
13 report regarding Terry Cooper and what has
14 been redacted on June 25th, 2013, at 9:00
15 a.m. Is this consistent to incident
16 reports that you know of that The Doe Fund
17 creates?

18 MR. BARTOLOMEO: Objection.

19 MS. BAUER: Double that
20 objection.

21 A. No.

22 Q. Why do you say so?

23 A. This is my first time seeing
24 something like this.

25 Q. Okay. Did you see the

1 J. WASHINGTON

2 investigative interview or other
3 investigative documents relating to my
4 client, Mr. Brooks?

5 A. Yes.

6 Q. And you -- from your knowledge,
7 this seems inconsistent?

8 A. Similar, yes.

9 Q. Okay. If a Doe Fund
10 participant is believed to have been under
11 the influence of some sort of drug or
12 suffering from some sort of psychiatric
13 defect, is there a certain Doe Fund policy
14 regarding those circumstances?

15 MS. BAUER: Objection.

16 MR. BARTOLOMEO: Objection.

17 A. Substance use, yes.

18 Q. And what's that?

19 A. Drug test.

20 Q. Okay. Is there certain
21 circumstances where they need to go to an
22 observation area?

23 MS. BAUER: Objection.

24 A. No.

25 Q. If you look at paragraph three

1 J. WASHINGTON

2 where it says 2 note, do you see that
3 paragraph?

4 A. Yes.

5 Q. The creator of this report
6 noted that Terry neglected to have the
7 trainee escorted to an observation area for
8 safety reasons. He had no excuse for not
9 following up on his intervention steps in
10 performance issue.

11 Do you know what that's
12 referring to?

13 A. No.

14 Q. Would it be against Doe Fund's
15 sexual harassment policy to have a staff --
16 a Doe Fund employee touch a participant's
17 chest?

18 MS. BAUER: Object to the form.

19 MR. BARTOLOMEO: Object.

20 A. Yes.

21 Q. Would it also be against The
22 Doe Fund sexual harassment policy to touch
23 their leg?

24 MS. BAUER: Object to the form.

25 MR. BARTOLOMEO: Objection.

1 J. WASHINGTON

2 A. Yes.

3 Q. And I asked, you might of
4 answered already, but would it be against
5 Doe Fund's sexual harassment policy for a
6 Doe Fund employee to touch a Doe Fund
7 participant's penis?

8 A. Yes.

9 MS. BAUER: Objection to form.

10 MR. BARTOLOMEO: Objection.

11 Q. Even if it's through their
12 pants?

13 MS. BAUER: Objection to form.

14 MR. BARTOLOMEO: Objection.

15 A. Yes.

16 Q. And what if the witness
17 involved in this 2013 incident, in the last
18 paragraph, last line, explained because of
19 his past history of being incarcerated, he
20 didn't want any implications made, and that
21 had to do with him, I guess, not
22 volunteering the information soon after
23 this alleged incident occurred, have you
24 heard of these sort of circumstances
25 before?

1 J. WASHINGTON

2 MR. BARTOLOMEO: Objection.

3 MS. BAUER: Objection.

4 A. No.

5 Q. Who's Donna Harris?

6 A. She was a caseworker.

7 Q. Okay. Was she a supervisor in
8 2013?

9 A. Uh, I don't know.

10 Q. If you could turn to the next
11 page, No. 5. If you could read that to
12 yourself and let me know when you're
13 finished.

14 A. Okay.

15 Q. Do you know what they're
16 referring to in that paragraph when they
17 said regarding his hands-on/off style of
18 communication?

19 A. No.

20 Q. Based on the report, does it
21 seem that there was a warning given to
22 Mr. Cooper about his communication style?

23 MR. BARTOLOMEO: Objection.

24 A. I haven't read the entire
25 report. You mean this one in my hand or --

1 J. WASHINGTON

2 Q. I mean this paragraph 5, where
3 William Glen and Donna Harris addressed him
4 about his communication style several
5 months ago and added that he is not always
6 consistent of this behavior associated with
7 his communication style, though he
8 continues to work on it.

9 A. Okay. Repeat the question,
10 please.

11 Q. Does that paragraph seem like a
12 warning was given to Mr. Cooper about his
13 communication style?

14 MS. BAUER: Objection.

15 A. I don't know.

16 Q. If there was a necessity for
17 The Doe Fund to give a warning to an
18 employee, would it always be written or in
19 certain circumstances would it be an oral
20 warning?

21 MR. BARTOLOMEO: Objection.

22 A. I don't -- honestly, I don't
23 know.

24 Q. Do you always give written
25 warnings or do you sometimes give oral

1 J. WASHINGTON

2 warnings?

3 MR. BARTOLOMEO: Objection.

4 A. It depends on the circumstance.

5 Q. If you could turn to the last
6 page of this document. Do you know of any
7 reason why the font on number -- for No. 3
8 would be larger?

9 A. No.

10 Q. Okay. If you -- did you read
11 No. 3 already?

12 A. I'm reading it now.

13 Q. Okay.

14 A. Okay.

15 Q. Is it consistent with The Doe
16 Fund's sexual harassment policy to move the
17 participant rather than the alleged
18 harasser?

19 MS. BAUER: Object to the form.

20 MR. BARTOLOMEO: Objection.

21 A. I don't know.

22 Q. About how soon after this
23 June 25th, 2013 report was made was Terry
24 Cooper transferred to the Gates Ave
25 facility?

1 J. WASHINGTON

2 MR. BARTOLOMEO: Objection.

3 MS. BAUER: Objection.

4 A. I don't know.

5 Q. Was it that same year?

6 A. I'm sorry?

7 MR. BARTOLOMEO: Objection.

8 Q. Was it that same year, 2013?

9 A. I don't know.

10 MR. BARTOLOMEO: You asked him
11 earlier today when he was transferred
12 and he said that he didn't know
13 exactly when. And now you're asking
14 him in regard to a report that he
15 didn't draft. So, I'm not sure
16 exactly --

17 MS. O'CONNELL: I'm just
18 refreshing his recollection.

19 MR. BARTOLOMEO: That's fine.

20 (Whereupon, J.W. Exhibit 11,
21 memorandum, was marked for
22 identification as of this date by the
23 reporter.)

24 Q. I'm handing you what's been
25 marked as J.W. Exhibit 11, which is Bates

1 J. WASHINGTON

2 stamped TDF 194. Have you ever seen this
3 document before?

4 A. No.

5 Q. Do you recognize basically what
6 this document is?

7 A. I'm sorry, could you repeat,
8 please?

9 Q. Have you seen any document
10 similar to this document in front of you?

11 A. Yes.

12 Q. Is it consistent to -- I guess
13 let me -- you tell me exactly what this
14 would be called.

15 A. Well, basically what it says, a
16 memo.

17 Q. Okay. Is this how -- is it
18 consistent with how The Doe Fund creates
19 written warnings?

20 A. Yes.

21 Q. For employees under your
22 supervision given written warnings, are
23 they given written warnings consistent to
24 this document?

25 A. Yes.

1 J. WASHINGTON

2 MS. BAUER: Object to the form.

3 Q. Do you know how long a written
4 warning would remain in a Doe Fund
5 employee's personnel file?

6 MS. BAUER: Object to the form.

7 A. No.

8 Q. And at the top of this memo
9 where it says from, it says, William Glenn,
10 director of RWA, was he the director of RWA
11 for all of The Doe Fund?

12 A. No.

13 Q. Where was he the director of?

14 A. Porter.

15 Q. Just Porter? Okay.

16 Is he still the director of RWA
17 for Porter?

18 A. No.

19 Q. Where's he now?

20 A. Director at Harlem.

21 Q. Of Harlem?

22 When did he begin working in
23 Harlem?

24 A. I don't know.

25 Q. And Thomas Perry, program

1 J. WASHINGTON

2 director, was he program director of just
3 Porter?

4 A. Yes.

5 Q. Is he still program director of
6 Porter?

7 A. No.

8 Q. Where is he now?

9 A. He's no longer with The Doe
10 Fund.

11 Q. And do you know when -- around
12 when he left?

13 A. No.

14 Q. Since you've been working at
15 the Gates Ave location, have you observed
16 Mr. Cooper violate The Doe Fund's sexual
17 harassment policy?

18 MR. BARTOLOMEO: Objection.

19 A. No.

20 Q. Have you ever heard him make
21 jokes in a sexual nature?

22 A. No.

23 Q. Has any employee of The Doe
24 Fund gone to you to report violations of
25 the sexual harassment policy?

1 J. WASHINGTON

2 A. No.

3 Q. Have any participants, other
4 than my client, gone to you to notify you
5 of him violating the sexual harassment
6 policy?

7 A. No.

8 Q. Do you first recall when my
9 client made a complaint about sexual
10 harassment to you?

11 A. Not the exact day.

12 Q. Oh. What do you remember?

13 A. I remember coming into work one
14 morning, because I get in early and I
15 checked my mailbox, and there was an
16 envelope in my mailbox marked urgent.

17 Q. And what did you do then?

18 A. When I got to my office, I got
19 settled and I read the, uh -- I opened the
20 envelope and I read it.

21 Q. What did you do after reading
22 it?

23 A. After reading it, I called for
24 Mr. Brooks.

25 Q. Okay. What happened? Was he

1 J. WASHINGTON

2 available?

3 A. Was he available? I don't
4 remember. I'm drawing a blank.

5 Q. Okay. Did you meet with him
6 right away?

7 A. No, I don't -- no.

8 Q. What was your initial thought
9 upon reading his complaint?

10 A. That I need to reach -- I need
11 to talk to him and I need to get with HR.

12 Q. And when did you get with HR?

13 A. Uh, immediately.

14 MS. O'CONNELL: This is 12.

15 (Whereupon, J.W. Exhibit 12,
16 TDF 159 through 160, was marked for
17 identification as of this date by the
18 reporter.)

19 Q. Take a moment to review that.
20 I've handed you what's been marked as J.W.
21 Exhibit 12, TDF 159 through 160.

22 A. Okay.

23 Q. Is this consistent with the
24 document that you received that day when
25 you found a letter marked urgent in your

1 J. WASHINGTON

2 mailbox?

3 A. Yes.

4 Q. And when you read it, did you
5 believe this was an allegation of sexual
6 harassment?

7 A. Yes.

8 Q. And when you eventually met
9 with my client, Mr. Brooks, did you hear a
10 recording?

11 A. No.

12 Q. Did you ever hear a recording
13 made by my client?

14 MR. BARTOLOMEO: Objection.

15 A. Outside of meeting with the --
16 yes, I did.

17 Q. When did you hear a recording?

18 A. Much, much later.

19 Q. Like a few days later or how
20 much later?

21 A. It's been a couple years. I'm
22 trying to remember.

23 Q. Maybe this could refresh your
24 recollection, Exhibit 13.

25 A. I believe I heard it when HR

1 J. WASHINGTON

2 and myself sat with him.

3 Q. Okay.

4 (Whereupon, J.W. Exhibit 13,
5 TDF 172 through 174, was marked for
6 identification as of this date by the
7 reporter.)

8 Q. I'm handing you what's been
9 marked as J.W. Exhibit 13, Bates stamped
10 TDF 172 through 174. Do you recognize this
11 document?

12 A. Yes.

13 Q. What is it?

14 A. It's a detailed account of when
15 HR and myself sat with Mr. Brooks.

16 Q. Do you know who drafted this
17 document?

18 A. It was either Kenise or Eunice.

19 Q. Were both of them in the room
20 at this time?

21 A. No.

22 Q. And this is when he played you
23 the recording or a recording?

24 MR. BARTOLOMEO: Objection.

25 MS. BAUER: Why don't you had

1 J. WASHINGTON

2 take a few minutes and read it.

3 A. Okay. So, he did play the
4 recording.

5 Q. When you heard the recording,
6 what did you think?

7 A. That it wasn't conclusive.
8 There was a lot of silence.

9 Q. So at that time, you didn't
10 know one way or the other?

11 A. Right.

12 MS. BAUER: Objection to form.

13 MR. BARTOLOMEO: Objection.

14 Q. Did he seem genuine during the
15 interview when you met him?

16 MR. BARTOLOMEO: I assume
17 you're talking about Brooks?

18 MS. O'CONNELL: Yes,
19 Mr. Brooks.

20 A. Honestly, I don't know.

21 Q. Okay. If I played you the
22 recording, would you recognize it?

23 A. Yes.

24 MS. O'CONNELL: Are we
25 stipulating to the recording or --

1 J. WASHINGTON

2 MS. BAUER: You could play it
3 for him.

4 MR. BARTOLOMEO: Just tell the
5 court reporter which recording it is
6 just so --

7 MS. O'CONNELL: Yes. And I
8 guess we're marking this as
9 Exhibit 14.

10 (Whereupon, J.W. Exhibit 14,
11 electronic audio file named Terry 3,
12 was marked for identification as of
13 this date by the reporter.)

14 (Audio being played.)

15 MR. BARTOLOMEO: What's the
16 name of the recording so I have it?

17 MS. O'CONNELL: Terry 3.

18 Q. Does that recording refresh
19 your recollection of what you heard during
20 that meeting?

21 A. Yes.

22 Q. Does it seem like the exact
23 same recording?

24 A. Yes.

25 Q. And is that Terry Cooper's

1 J. WASHINGTON

2 voice on the recording?

3 A. Yes.

4 Q. And is that my client Gregory
5 Brooks' voice on the recording?

6 A. Yes.

7 Q. Did you listen to that
8 recording before you met with Mr. Cooper?

9 MS. BAUER: Object to the form.

10 A. Yes.

11 Q. At the time, what was
12 Mr. Cooper's position in The Doe Fund?

13 A. Dispatcher.

14 Q. And what are the duties
15 involved being dispatcher?

16 A. To make sure the crews get out
17 on time, make sure all routes are manned
18 properly.

19 Q. Is it typical for the
20 dispatcher to go to the residents' area of
21 where The Doe Fund participants are living?

22 A. No.

23 Q. Is it prohibited?

24 MR. BARTOLOMEO: Objection.

25 A. No.

1 J. WASHINGTON

2 Q. Would you just say it's
3 unusual?

4 MR. BARTOLOMEO: Objection.

5 A. No.

6 Q. Is it necessary for the
7 dispatcher to go to the residents' area?

8 MR. BARTOLOMEO: Objection.

9 A. Sometimes.

10 Q. Would maneuvering a
11 participant's schedule necessitate the
12 dispatcher to go to a participant's
13 bedroom?

14 MS. BAUER: Objection.

15 MR. BARTOLOMEO: Objection.

16 A. No.

17 Q. Did Mr. Cooper, as dispatcher
18 of The Doe Fund at the Gates Ave facility,
19 have access to my client's cellphone number
20 to call him?

21 A. I don't know.

22 Q. If a participant has a
23 cellphone, would the Doe Fund have their
24 cellphone number?

25 A. Yes.

1 J. WASHINGTON

2 Q. What sort of Doe Fund employees
3 at the Gates Ave facility would regularly
4 go to the residents' area where the
5 participants are living?

6 MR. BARTOLOMEO: Objection.

7 A. Case managers, myself, the
8 social director and housekeeping staff and
9 sometimes dispatchers.

10 Q. Are the doors in the residents'
11 area typically open or shut, or does it not
12 matter?

13 A. Typically closed.

14 Q. Are they typically locked?

15 A. It depends on the trainee.

16 Q. Is there any policy about
17 whether a trainee could lock their door?

18 A. No specific policy, no.

19 Q. So they're allowed to lock it?

20 A. Yes.

21 Q. In the recording, we hear
22 Mr. Cooper knock on the door and he asked
23 why the door was locked?

24 MS. BAUER: Objection.

25 MR. BARTOLOMEO: Objection to

1 J. WASHINGTON

2 form. I think you're talking about a
3 different recording. The one you
4 played that has nothing to do with
5 him locking the door.

6 MS. O'CONNELL: If we could go
7 off the record.

8 MR. BARTOLOMEO: Yes, my
9 apologies.

10 (Whereupon, a discussion was
11 held off the record.)

12 Q. And you can correct me if I'm
13 wrong because I've never been there, but we
14 hear a knock at the door and it seems like
15 the door opened because there's more
16 outside or -- noises, seemingly after the
17 knocks on the door and then those noises go
18 away. Is that because they're noises in
19 the hall outside the bedrooms?

20 A. Yes.

21 Q. And what sort of activity or
22 noises is going on outside the bedroom in
23 the hall?

24 MS. BAUER: Objection.

25 MR. BARTOLOMEO: Objection.

1 J. WASHINGTON

2 A. I don't know. I wasn't there.

3 Q. Do you know of any deadline
4 that a dispatcher needed to submit changes
5 into the system, if he was changing a
6 participant's schedule?

7 MR. BARTOLOMEO: Objection.

8 A. Rephrase that.

9 Q. I'm sorry. Is there any
10 deadline that a Doe Fund dispatcher would
11 have to monitor if they're going to make a
12 change to a participant's schedule?

13 A. Dispatchers don't change the
14 schedules. They have to kick it up to the
15 deputy director of CIP for changes.

16 Q. Would there be any reason for
17 Cooper to have to -- I guess, essentially,
18 to rush the process, to get it done that
19 morning?

20 A. Well, it depends on what day it
21 was. If it was a Thursday or a Friday, the
22 changes have to be submitted before the
23 crew sheet is locked.

24 Q. And when is the crew sheet
25 locked?

1 J. WASHINGTON

2 A. The crew sheet is locked on
3 Friday mornings before 12:00.

4 Q. Okay. Did you listen to any
5 other recordings besides that one?

6 A. No.

7 MS. BAUER: Can we take a short
8 break?

9 MS. O'CONNELL: Yes.

10 (Whereupon, a brief recess was
11 taken.)

12 (Whereupon, J.W. Exhibit 15,
13 TDF 169 through 171, was marked for
14 identification as of this date by the
15 reporter.)

16 Q. I've placed in front of you
17 what has been marked as J.W. 15.

18 A. No. This is 15.

19 Q. Yes, that's 15. It looks very
20 similar to the one we just went over.

21 MS. BAUER: Yes, she --

22 A. Oh, this one?

23 Q. Yes.

24 MS. BAUER: It's a new one.

25 Q. It's a new one.

1 J. WASHINGTON

2 A. Oh.

3 Q. I'll give you more time. Let
4 me know if you recognize the document. 15
5 is Bates stamped TDF 169 through 171.

6 A. Okay.

7 Q. Do you recognize the document?

8 A. Yes.

9 Q. And what is it?

10 A. What is it?

11 Q. What is the document?

12 A. It's an account of the meeting
13 that we had with Terry Cooper.

14 Q. And do you know who created
15 this document?

16 A. Eunice Gilmore.

17 Q. And at the top where it says
18 present in the meeting with Terry Cooper,
19 was that everyone that was there that day?

20 A. Yes.

21 Q. And Elizabeth Hanson, where
22 does she work?

23 A. Her office was at 102nd Street.

24 Q. And the director of fleet
25 services, where does he work out of?

1 J. WASHINGTON

2 A. He works out of Harlem.

3 Q. Why was he there that day?

4 A. Because Craig Trotta, who
5 oversees CIP, was on vacation, so when
6 Craig's on vacation, Sal is the next person
7 in charge.

8 Q. And before you started asking
9 Mr. Terry Cooper some of these questions
10 that are in bold in this document, did he
11 have a chance to read over the complaint?

12 MR. BARTOLOMEO: Objection.

13 A. I'm not sure.

14 Q. Do you remember any -- do you
15 remember anything notable based on your
16 interview with Mr. Terry Cooper?

17 MS. BAUER: Objection.

18 MR. BARTOLOMEO: Objection.

19 A. I'm not sure what you mean by
20 notable.

21 Q. Was there anything that seemed
22 to be a discrepancy between what Mr. Cooper
23 was saying and what Mr. Brooks was saying?

24 A. Yes.

25 Q. And what was that?

1 J. WASHINGTON

2 A. The basics of both accounts
3 were the same, but the description of what
4 Brooks claimed happened and what Terry
5 claimed happened were totally different.

6 Q. Did you think it was odd that
7 Terry didn't remember exactly what day this
8 happened?

9 MR. BARTOLOMEO: Objection.

10 A. No.

11 Q. And when Terry was asked if
12 anyone else was present while he was
13 discussing the changes -- that's the second
14 page -- do you know who Robert Frager is?

15 A. Robert Frager.

16 Q. Frager.

17 A. He was a client.

18 Q. Is he now a Doe Fund employee?

19 A. No.

20 Q. Did he ever become a Doe Fund
21 employee?

22 A. No.

23 Q. Do you remember what Terry said
24 is the reason why he went up to the
25 residential area a second time?

1 J. WASHINGTON

2 A. I honestly don't recall.

3 Q. On the last page of the
4 document where it says in bold and
5 underline, Recap of details regarding
6 Terry's trips upstairs to Gregory's room,
7 if you look at the second -- I guess it's
8 the third paragraph -- there isn't a space
9 in between the second and third
10 paragraph -- but where it says, Terry then
11 stated, can I say something, question mark,
12 do you see that?

13 A. Yes.

14 Q. Do you remember when this
15 happened and what he said?

16 A. This is pretty accurate.

17 Q. When he is saying, "If I am
18 guilty of one thing, is that I bring
19 laughter to the building. Yes, I am
20 loud!," what did you take him to mean that
21 as?

22 A. I mean, Terry has the kind of
23 voice that carries. I mean, he's loud in
24 that way.

25 Q. Is he loud in any other way?

1 J. WASHINGTON

2 A. No.

3 Q. When he says, "I wake people up
4 with jokes," what does he mean by jokes?

5 MS. BAUER: Object to the form.

6 MR. BARTOLOMEO: Objection.

7 A. I don't know.

8 Q. Have you ever heard Mr. Cooper
9 make a joke?

10 A. No.

11 Q. Even something that could be, I
12 guess, taken as a joke, as if you don't
13 think it's funny?

14 MR. BARTOLOMEO: Objection.

15 A. No.

16 Q. And he says -- the next item
17 line -- next line down, "Now I have been
18 told to watch my hands," that was him
19 saying that or who -- was this a Doe Fund
20 supervisor at the meeting asking him this
21 or this is what Terry Cooper was saying?

22 MS. BAUER: Objection.

23 MR. BARTOLOMEO: Objection.

24 A. That's what Terry was saying.

25 Q. So, he was saying, "Now I have

1 J. WASHINGTON

2 been told to watch my hands," yes?

3 A. Correct, yes.

4 Q. Was he referring to prior to
5 the meeting that day, he's been told to
6 watch --

7 MS. BAUER: Objection.

8 MR. BARTOLOMEO: Objection.

9 Q. -- his hands?

10 A. I don't know what he was
11 referring to or when he was referring to.

12 Q. At this point of the meeting
13 with Terry Cooper, did anyone else in the
14 room tell him to watch his hands?

15 A. No.

16 Q. And the next line down, was
17 this also what Terry Cooper said during the
18 meeting?

19 A. Which line?

20 Q. "Do I have a habit of touching
21 people when I talk? Yes. But even with
22 jokes, if someone says, quote, hey, Terry
23 like don't stay that to me or don't joke
24 around with me like that, question mark, I
25 apologize and that won't ever happen again.

1 J. WASHINGTON

2 They don't have to worry about me because
3 I'll be just like hi and bye from that
4 point."

5 MS. BAUER: Objection.

6 MR. BARTOLOMEO: Objection.

7 A. So, your question was?

8 Q. Was that something that Terry
9 said at the meeting?

10 A. Yes.

11 Q. And that's how you -- you
12 basically remember him saying it?

13 A. Yes.

14 Q. And what we just went over, the
15 added statements by Terry, these were just
16 statements he volunteered?

17 MR. BARTOLOMEO: Objection.

18 A. I believe he volunteered them
19 in answering a question.

20 Q. When you were interviewing
21 Terry Cooper that day, along with the other
22 Doe Fund supervisors, did you know that --
23 at that time of the 2013 allegation of
24 sexual harassment?

25 MS. BAUER: Objection to form.

1 J. WASHINGTON

2 MR. BARTOLOMEO: Objection.

3 A. No.

4 Q. To your knowledge, did anyone
5 else at the meeting know of the 2013
6 allegation of sexual harassment?

7 MS. BAUER: Objection.

8 A. I wouldn't know.

9 Q. Do you know what happened --
10 what was done with the -- that
11 investigative documentation after it was
12 written up?

13 A. No.

14 Q. Did you receive a copy?

15 A. No.

16 Q. And then after that, Craig
17 Trotta became involved in the sexual
18 harassment allegations being made by my
19 client?

20 MS. BAUER: Objection.

21 MR. BARTOLOMEO: Objection.

22 A. I'm not sure who became
23 involved.

24 Q. What was your involvement after
25 the investigation interview with my client

1 J. WASHINGTON

2 and Terry Cooper on those days?

3 A. There was no other involvement.

4 Q. What is your understanding of
5 what happened afterwards?

6 A. In regards to?

7 Q. The investigation.

8 A. I don't know. They didn't
9 include me in that.

10 Q. Did you see Terry Cooper after
11 that interview?

12 A. No.

13 Q. When did you first learn that
14 Mr. Cooper was terminated?

15 A. I can't recall.

16 Q. Would you typically be involved
17 in the termination of an employee under
18 circumstances like the ones my client's
19 alleging?

20 MR. BARTOLOMEO: Objection.

21 A. If that person was somebody
22 that I supervised.

23 Q. Did my client follow the
24 appropriate procedures for making his
25 complaint?

1 J. WASHINGTON

2 MR. BARTOLOMEO: Objection.

3 A. Yes.

4 Q. Was there anything else he
5 could have done as far as bringing to The
6 Doe Fund's attention his allegations of
7 sexual harassment?

8 MS. BAUER: Objection.

9 A. No.

10 Q. To your knowledge, did he
11 cooperate with the investigation?

12 A. Your client or --

13 Q. My client.

14 A. I really don't know.

15 MS. O'CONNELL: Exhibit 16.

16 (Whereupon, J.W. Exhibit 16,
17 Sexual Harassment Policy, was marked
18 for identification as of this date by
19 the reporter.)

20 Q. Do you recognize this document?

21 MS. O'CONNELL: I've handed
22 Mr. Washington what's been marked as
23 J.W. Exhibit 16, Bates stamped TDF
24 196 through 197.

25 A. Yes.

1 J. WASHINGTON

2 Q. What is it?

3 A. It's The, uh, Doe Fund sexual
4 harassment policy.

5 Q. Was this sexual harassment
6 policy in effect at the time of my client's
7 claims of sexual harassment?

8 A. Yes.

9 Q. In your opinion, does The Doe
10 Fund live up to its policy of zero
11 tolerance for harassment?

12 A. Yes.

13 Q. And why do you say that?

14 A. I mean, I can only go by the --
15 this allegation, and it seems to me
16 everything has been followed to the letter,
17 as far as my involvement goes.

18 Q. Can you make the same opinion
19 based on the allegations of sexual
20 harassment made against Terry Cooper in
21 2013?

22 MS. BAUER: Objection.

23 MR. BARTOLOMEO: Objection.

24 A. I can't speak to that one
25 because I don't know.

1 J. WASHINGTON

2 Q. In this section where it's
3 discussing equal employment opportunity
4 workplace harassment policy, the last
5 paragraph discusses prohibiting
6 retaliation. Was that in the policy in
7 2016 also?

8 A. Which paragraph?

9 Q. The very last paragraph.

10 A. What page? The last page?

11 Q. Yes. Sorry.

12 A. Can you repeat the question?

13 Q. To your understanding, did The
14 Doe Fund also prohibit in their employee
15 handbook retaliation as it states in this
16 paragraph?

17 A. Yes.

18 Q. And did you receive training in
19 retaliation?

20 A. Yes.

21 Q. Is that a part of The Doe Fund
22 standard training on workplace
23 discrimination?

24 MS. BAUER: Object to the form.

25 You can answer.

1 J. WASHINGTON

2 A. Yes.

3 Q. Are you aware that my client
4 recorded you on two occasions -- two or
5 more occasions while he was living at The
6 Doe Fund?

7 A. You mean outside of what I
8 discussed with my attorneys, no.

9 Q. Have you listened to those
10 recordings?

11 A. With my attorneys?

12 MS. BAUER: You can answer.

13 A. Yes. Yeah.

14 Q. I'm going to play you what I
15 believe are the recordings you've already
16 listened to, so you can identify yourself
17 and authenticate those recordings.

18 A. Okay.

19 Q. I assume that you listened to
20 the recordings in whole. If you really
21 need me to play the whole thing, we can.
22 I'll play you a part so you can let me know
23 if you listened to this specific recording.

24 A. Okay.

25 Q. But it should be the exact same

1 J. WASHINGTON

2 recordings that were produced to your
3 client.

4 MS. BAUER: I just want to say
5 on the record that even if he
6 recognizes his voice on the
7 recording, I don't know that it's
8 authentication under the federal
9 rules.

10 MS. O'CONNELL: Okay.

11 MS. BAUER: So just note my
12 objection.

13 MR. BARTOLOMEO: I join in that
14 as well. I mean, I guess, because
15 you don't want to cue or tip anything
16 off, we could wait to have the names
17 of the recordings given until after
18 the question has been posed,
19 assuming. I mean, I don't remember
20 what the names are, but I'm saying,
21 for purposes of the questions, I
22 think it would be more fair, but at
23 the end, could you just tell us which
24 recording as well so I have it for my
25 record?

1 J. WASHINGTON

2 (Audio being played.)

3 MS. O'CONNELL: Yes. I'll mark
4 this as Exhibit 17, this recording?

5 MR. BARTOLOMEO: Yes, it's 17.

6 MS. O'CONNELL: In our
7 stipulation, I'm also going to
8 hopefully have a compiled list of
9 which recordings were for this office
10 so we can make sure they're kept
11 track of.

12 (Whereupon, J.W. Exhibit 17,
13 electronic audio file labeled
14 Mr. Washington on Vernon schedule,
15 was marked for identification as of
16 this date by the reporter.)

17 (Audio being played.)

18 Q. Whose voice is on the recording
19 speaking currently?

20 A. Me.

21 Q. Have you recognized any other
22 voices yet?

23 A. Gregory Brooks.

24 Q. Do you recall what you were
25 discussing at this time?

1 J. WASHINGTON

2 A. Yes.

3 Q. And what is that?

4 A. Um, his allegation and the
5 investigation.

6 Q. Have you listened to this
7 recording recently?

8 A. I don't think so.

9 Q. Okay. I'll continue playing it
10 for you.

11 (Audio being played.)

12 Q. And who was it that you were on
13 the phone with?

14 A. Albert Bell.

15 Q. Albert Bell?

16 A. Yes.

17 Q. And who is he?

18 A. Dispatcher.

19 Q. Dispatcher where?

20 A. Gates.

21 Q. So, there's more than one
22 dispatcher at Gates?

23 A. Well, yeah, there has to be
24 because Terry couldn't work, you know,
25 seven days straight. So, we have to have a

1 J. WASHINGTON

2 fill-in.

3 Q. And do you recall when you made
4 this phone call and had this discussion
5 with my client?

6 A. No.

7 Q. Was it soon after he made the
8 complaint of sexual harassment to you?

9 MR. BARTOLOMEO: Objection.

10 A. Yes.

11 Q. Could it be that same day?

12 A. I don't know.

13 Q. But somewhere between a few
14 hours after learning of the complaint and a
15 week?

16 MR. BARTOLOMEO: Objection.

17 A. It was within a week.

18 Q. Okay.

19 A. It was within a few days.

20 Q. Okay. At this time, was my
21 client concerned about his work schedule?

22 MS. BAUER: Object to the form.

23 A. Yes.

24 Q. Do you recall why he was
25 concerned?

1 J. WASHINGTON

2 A. He needed weekends off to be
3 with his kids, and so we were trying to
4 work it out where he could have the
5 weekends off.

6 Q. Is that something that The Doe
7 Fund typically attempts to do?

8 A. For those clients -- we stress
9 family reunification, so, yeah, that is
10 something that we do.

11 Q. So as my client being a father
12 of two, that was a factor in trying to
13 allow him to have the weekends off?

14 A. Yes.

15 Q. Do you recall if you were able
16 to make that happen?

17 A. I don't remember.

18 Q. Do you recall, at least at that
19 time in 2016, what the policy was for
20 participants where family reunification was
21 a goal, were they allowed to have late
22 nights?

23 A. No, not the family
24 reunifications.

25 Q. Was there any other sort of

1 J. WASHINGTON

2 late night or weekend benefit tied to the
3 goal of family reunification?

4 A. It pretty much depended on the
5 length of time in program.

6 Q. Do you recall my client, after
7 he made his complaints of sexual
8 harassment, complaining that he was being
9 retaliated against?

10 A. No.

11 Q. Do you recall if after he made
12 his complaints of sexual harassment, making
13 complaints that his schedule wasn't being
14 properly maintained?

15 MS. BAUER: Objection.

16 A. No. What I do remember is him
17 complaining that he felt as though people
18 were looking at him differently.

19 Q. Would it be a part of The Doe
20 Fund's policy when claims of sexual
21 harassment are made like the ones my client
22 made, to keep that contained so that other
23 participants or employees do not find out?

24 MS. BAUER: Objection to form.

25 MR. BARTOLOMEO: Objection.

1 J. WASHINGTON

2 A. It is contained.

3 Q. Okay. Was his situation
4 contained, the one that he alleged?

5 MS. BAUER: Objection.

6 A. On my part, yes.

7 Q. Did you hear of his allegations
8 of sexual harassment somehow being
9 contained?

10 MS. BAUER: Objection.

11 A. No.

12 Q. Do you recall my client having
13 difficulties with -- and you can correct me
14 if I'm wrong -- if I'm phrasing this
15 wrong -- but returning to the Gates Ave
16 facility or entering the facility?

17 A. What do you mean entering the
18 facility?

19 Q. For instance, if he alleges
20 that he wasn't allowed back in the facility
21 after a certain time and there was a
22 problem with the system that made it so he
23 wasn't allowed to return at certain times
24 of the day.

25 MS. BAUER: Object to the form.

1 J. WASHINGTON

2 MR. BARTOLOMEO: I join in that
3 objection.

4 A. The only reason he would have
5 had difficulty returning after curfew is
6 because he violated curfew.

7 Q. Are there circumstances where a
8 Doe Fund supervisor can essentially give a
9 free pass on curfew so that --

10 A. No.

11 Q. Okay. In the recording you
12 just listened to, was there anyone else
13 that was a part of the conversation in that
14 recording?

15 A. The part that I heard, it was
16 only me, Brooks, and then I talked to Bell
17 on the phone.

18 MR. BARTOLOMEO: Are you done
19 with that one?

20 MS. O'CONNELL: Yes. I'm done
21 with that one.

22 MR. BARTOLOMEO: Could you just
23 tell me what the name of that one is?

24 MS. O'CONNELL: Mr. Washington
25 on Vernon schedule.

1 J. WASHINGTON

2 MR. BARTOLOMEO: Vernon,
3 V-E-R-N-O-N, right?

4 MS. O'CONNELL: Yes.

5 I'm now going to play what
6 we'll mark as Exhibit --

7 MR. BARTOLOMEO: 18.

8 MS. O'CONNELL: -- 18.

9 Mr. Wash -- it's just Wash, not
10 Washington -- lost bed.

11 (Whereupon, J.W. Exhibit 18,
12 electronic audio file labeled
13 Mr. Wash lost bed, was marked for
14 identification as of this date by the
15 reporter.)

16 (Audio being played.)

17 Q. Do you recognize anyone's
18 voices on that recording?

19 A. It was mine, Mr. Brooks, and
20 James Stevens.

21 MS. O'CONNELL: Can we take a
22 five-minute break real quick?

23 MS. BAUER: Yes.

24 (Whereupon, a brief recess was
25 taken.)

1 J. WASHINGTON

2 Q. I'm now going to be playing
3 what we're marking as Exhibit 19.

4 (Whereupon, J.W. Exhibit 19,
5 electronic audio file, was marked for
6 identification as of this date by the
7 reporter.)

8 (Audio being played.)

9 Q. Do you recall this meeting with
10 Mr. Brooks?

11 A. Yes.

12 Q. And was anyone else there at
13 that meeting?

14 A. I believe it was just me and
15 him.

16 Q. And what we're hearing in
17 Exhibit 19 as you and Mr. Brooks in the
18 recording?

19 A. Yes.

20 MR. BARTOLOMEO: Which one is
21 it?

22 MS. O'CONNELL: That's
23 Mr. Washington. And it's also
24 Plaintiff's Exhibit 12, to my
25 recollection.

1 J. WASHINGTON

2 Q. And I'm just going to play you
3 a few more just for the purposes of
4 identifying the individuals on the
5 recordings, at least the speakers. One
6 moment, please.

7 MR. BARTOLOMEO: So you're
8 marking this as J.W. 20?

9 (Whereupon, J.W. Exhibit 20,
10 electronic audio file labeled Greene
11 discusses Terry, was marked for
12 identification as of this date by the
13 reporter.)

14 MS. O'CONNELL: Yes.

15 Q. Do you recognize the individual
16 in this recording?

17 A. Brooks is the only one I
18 recognize.

19 (Audio being played.)

20 Q. Do you recognize that person
21 yet?

22 A. No.

23 Q. And you still don't recall who
24 that person is yet?

25 A. No.

1 J. WASHINGTON

2 MR. BARTOLOMEO: What's the
3 name of the recording?

4 MS. O'CONNELL: Greene
5 discusses Terry.

6 Q. Do you know a Timothy Greene?

7 A. Yes.

8 Q. Who is he?

9 A. He was a resident at Gates
10 Avenue.

11 Q. Would you say the recording you
12 just listened to is an accurate
13 representation of Mr. Greene's voice?

14 MS. BAUER: Objection to form.

15 MR. BARTOLOMEO: Objection.

16 A. No.

17 Q. Why is that?

18 A. I know of a few people that
19 sound pretty much exactly like him, like
20 that voice. That's why I couldn't be sure
21 who it was.

22 Q. But it -- it wouldn't surprise
23 you if that was Mr. Greene's voice
24 because --

25 MS. BAUER: Objection.

1 J. WASHINGTON

2 MR. BARTOLOMEO: Objection.

3 A. It could be Greene and it could
4 also be somebody else.

5 Q. And those other few people are
6 also either Doe Fund employees or were Doe
7 Fund residents?

8 A. Yes.

9 MR. BARTOLOMEO: Off the
10 record.

11 (Whereupon, a discussion was
12 held off the record.)

13 MS. O'CONNELL: This is Exhibit
14 J.W. 21.

15 (Whereupon, J.W. Exhibit 21,
16 electronic file labeled Mr. Bailey or
17 Mr. Bailey, "They're fucking raping
18 people here", was marked for
19 identification as of this date by the
20 reporter.)

21 Q. At any point, if you believe
22 you recognize the person, let me know.

23 A. Okay.

24 MR. BARTOLOMEO: Off the
25 record.

1 J. WASHINGTON

2 (Whereupon, a discussion was
3 held off the record.)

4 (Audio being playing.)

5 Q. Do you recognize the person in
6 that recording?

7 A. No.

8 Q. Do you know who Mr. Bailey is?

9 A. William Bailey?

10 Q. Was William Bailey an employee
11 of The Doe Fund in 2016?

12 A. No.

13 Q. Was he a resident with The Doe
14 Fund?

15 A. Yes.

16 Q. And how long was he a resident
17 of The Doe Fund?

18 A. Almost two years.

19 Q. Why was he a resident for so
20 long?

21 A. Mr. Bailey was an older
22 gentleman. He spent almost 30 years
23 incarcerated and it was difficult for him
24 to adjust.

25 Q. And who is Ronald Holly?

1 J. WASHINGTON

2 A. Ronald Holly was a deputy
3 director of CIP.

4 Q. And how long did he work for
5 The Doe Fund?

6 A. I don't know.

7 Q. Going back to Mr. Greene, who I
8 mentioned earlier, do you know if he's a
9 Doe Fund employee?

10 A. Yes, he is.

11 Q. And where does he work?

12 A. I'm not sure of his location,
13 but he works for EDC.

14 Q. EDC?

15 A. Yes, Economic Development
16 Corporation.

17 Q. And that's a part of The Doe
18 Fund?

19 A. We partner with them, yes.

20 Q. Do you know what his position
21 is?

22 A. No, I don't.

23 Q. What does EDC do?

24 A. They do various things. They
25 would remove graffiti and other things that

1 J. WASHINGTON

2 I'm not too familiar with.

3 Q. And do you know an Anthony
4 Marshall?

5 A. Yes.

6 Q. And who is that?

7 A. He is currently a trainee in
8 our program.

9 Q. Okay. How long has he been in
10 the program?

11 A. This is his second stint with
12 us. He's been with us maybe six -- six
13 months, maybe.

14 Q. Was he in the program when
15 Mr. Brooks was there?

16 A. Yes.

17 Q. Why is it his second stint in
18 the program?

19 A. I'm not sure of why he left the
20 first time. Um, it -- he left, he got
21 involved with substances, he went through
22 rehab and he asked to come back. And at
23 that time, we were expecting one of our
24 guys to move out, so when the trainee moved
25 out, we brought Mr. Marshall back.

1 J. WASHINGTON

2 Q. And who is Mr. Wiggins at the
3 Gates Ave facility?

4 A. There is no Mr. Wiggins there
5 now.

6 Q. What was his position in 2016?

7 A. He was the deputy director of
8 CIP.

9 Q. And what does that entail?

10 A. Pretty much, um, overseeing the
11 routes, uh, managing the bids, uh, making
12 sure trainees' schedules and routes are
13 coordinated.

14 MS. BAUER: What was the name
15 of that tape with the --

16 MR. BARTOLOMEO: 21.

17 MS. BAUER: 21?

18 MS. O'CONNELL: Mr. Bailey --
19 it's either called just Mr. Bailey or
20 Mr. Bailey, quote, "They're fucking
21 raping people here."

22 This is 22.

23 (Whereupon, J.W. Exhibit 22,
24 copy of the case notes for Gregory
25 Brooks, was marked for identification

1 J. WASHINGTON

2 as of this date by the reporter.)

3 Q. I'm handing you what's been
4 marked as J.W. 22, Bates stamped TDF 9
5 through TDF 23. Do you recognize this
6 document?

7 A. Yes.

8 Q. What is it?

9 A. It's a copy of the case notes
10 for Gregory Brooks.

11 Q. And is this an accurate
12 description of case notes for all
13 participants in the Ready, Willing & Able
14 program?

15 A. Yes.

16 Q. Are case notes also used for
17 Doe Fund employees that are not in the
18 Ready, Willing & Able program?

19 A. No.

20 Q. Okay. And who has access to, I
21 guess, modify the case notes?

22 A. Case manager, the associate
23 director, and myself.

24 Q. And, so, in the top, I guess in
25 that dark column, it says posted by, and a

1 J. WASHINGTON

2 lot of them are by O'Neill Young. Who is
3 that?

4 A. He was a case manager.

5 Q. And it also says, last modified
6 in the column at the top. Is that because
7 you or other supervisors can then modify
8 the entries?

9 A. Yes.

10 Q. Okay. And under what
11 circumstances would you modify the entries?

12 A. Let's say in certain cases, if
13 there's -- for example, on 7/13, the
14 initial entry was by O'Neill Young. But if
15 there was another -- another interaction
16 with the client, with the trainee on that
17 same date, we would enter that information
18 in that same case number.

19 Q. And were these notes created,
20 essentially in a timely manner,
21 concurrently with events happening with my
22 client or his case?

23 A. Yes.

24 Q. And does it seem to be all of
25 the notes or case notes for my client from

1 J. WASHINGTON

2 the time he entered The Doe Fund until he
3 left?

4 MS. BAUER: Objection to form.

5 You can answer.

6 A. I haven't looked at all of
7 them. Yes.

8 Q. Would these case notes also
9 include when my client would make
10 complaints -- any sort of complaint?

11 A. Yes.

12 MS. O'CONNELL: 23.

13 (Whereupon, J.W. Exhibit 23,
14 Bates stamp TDF 86 through 141, was
15 marked for identification as of this
16 date by the reporter.)

17 Q. I'm handing you what's been
18 marked as J.W. Exhibit 23, Bates stamped
19 TDF 86 through 141. Do you recognize this
20 group of documents?

21 A. Yes.

22 Q. What is it?

23 A. These are logs of the passes
24 that Gregory Brooks received.

25 Q. I understand there may be

1 J. WASHINGTON

2 different versions of passes, but could you
3 tell me the different versions of passes?

4 A. Instead of the case manager
5 putting in a late pass every night that a
6 client's going to be working, he would put
7 in a multiuse late pass. That's the
8 difference between a late pass and a
9 multiuse.

10 Q. And what's the difference
11 between the multiuse late -- in the late
12 pass and the overnight pass? I see
13 overnight pass is towards the bottom.

14 A. Right. The overnight ends at
15 5:00 a.m.

16 Q. Okay. The late pass ends at?

17 A. Late pass ends at either
18 2:00 -- well, 2:00 or 3:00.

19 Q. And the multiuse late -- on the
20 individual, I guess, long entry contained
21 later in the document, would that say the
22 start and end date for that multiuse pass?

23 A. All passes would have the start
24 and end date.

25 Q. Are there circumstances where a

1 J. WASHINGTON

2 client is -- a client with a job that
3 necessitates having a certain type of pass
4 isn't in the system?

5 A. No. DHS requirements are that
6 every working client, if he works in the
7 evening, he has to have a pass.

8 Q. Are there times at the Gates
9 Ave facility when someone forgets to put
10 that in the system?

11 A. No.

12 Q. Do you recall any times when my
13 client wasn't in the system and he alleged
14 that he was supposed to be in the system
15 for working late?

16 A. I don't recall.

17 Q. And would there be passes in
18 this type of pass request log that would
19 differentiate him requesting passes for
20 seeing his family and passes he needed for
21 work?

22 A. Rephrase that, please.

23 Q. In this log of pass requests,
24 would there be the passes that he needed to
25 see his family also?

1 J. WASHINGTON

2 MS. BAUER: You could look, if
3 you want.

4 A. If a client wasn't working and
5 he needed a pass, there would be -- we
6 would have to document where the client
7 would be, with an address --

8 Q. Would it --

9 A. -- and a contact person.

10 Q. Would it be different from this
11 set of pass --

12 A. No.

13 Q. Okay. On the first page where
14 it says status, most of the entries are
15 approved. Who approves those?

16 A. It would either be myself, the
17 social director, or the evening house
18 manager.

19 Q. And why would there be a pass
20 cancelled?

21 A. If it was part of a multiuse
22 late pass or if the client was supposed to
23 go to work and then find out that the
24 client didn't have to work, then the pass
25 would be cancelled.

1 J. WASHINGTON

2 Q. Okay. Have you understood all
3 of the questions I've asked you today?

4 A. Yes.

5 Q. Would you like to change any of
6 your prior answers?

7 A. No.

8 Q. Have you told me everything you
9 can tell me about Mr. Brooks' claims?

10 A. Yes.

11 Q. Okay. Thank you very much.

12 A. That's it?

13 Q. Yes.

14 MR. BARTOLOMEO: I have no
15 questions.

16 (Whereupon, at 5:23 p.m., the
17 Examination of this witness was
18 concluded.)

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J. WASHINGTON

D E C L A R A T I O N

I hereby certify that having been
first duly sworn to testify to the truth, I
gave the above testimony.

I FURTHER CERTIFY that the foregoing
transcript is a true and correct transcript
of the testimony given by me at the time
and place specified hereinbefore.

JAMES WASHINGTON

Subscribed and sworn to before me
this ____ day of _____ 20__.

NOTARY PUBLIC

1 J. WASHINGTON

2 I N D E X

3

4 EXAMINATION BY PAGE

5 MS. O'CONNELL 4

6

7 INFORMATION AND/OR DOCUMENTS REQUESTED

8 (NONE)

9

10 E X H I B I T S

11 J.W. EXHIBITS:

12 EXHIBIT EXHIBIT PAGE

13 NUMBER DESCRIPTION

14 1 Community Improvement
Project Field Schedule 65

15 2 Work-To-Pay Hours 67

16 3 Comp Data 72

17 4 Trainee Handbook 77

18 5 Trainee Statement 79

19 6 Trainee Weekly
Evaluation Form 82

20 7 Trainee Terms of
Participation 86

21 8 Incident Report 108

22 9 E-mail 110

23 (EXHIBITS CONTINUED ON NEXT PAGE.)

1 J. WASHINGTON
 2 E X H I B I T S
 3

4 J.W. EXHIBITS:

5	EXHIBIT	EXHIBIT	PAGE
6	NUMBER	DESCRIPTION	
7	10	Investigative Interview Report	114
8	11	Memorandum	121
9	12	TDF 159 through 160	126
10	13	TDF 172 through 174	128
11	14	Electronic audio file named Terry 3	130
12	15	TDF 169 through 171	136
13	16	Sexual Harassment Policy	146
14	17	Electronic audio file labeled Mr. Washington on Vernon schedule	151
15	18	Electronic audio file labeled Mr. Wash lost bed	158
16	19	Electronic audio file	159
17	20	Electronic audio file labeled Greene discusses Terry	160
18	21	Electronic audio file labeled Mr. Bailey or Mr. Bailey, quote, "They're fucking raping people here"	162

25 (EXHIBITS CONTINUED ON NEXT PAGE.)

1 J. WASHINGTON
2 E X H I B I T S
3

4 J.W. EXHIBITS:

5 EXHIBIT	EXHIBIT	PAGE
6 NUMBER	DESCRIPTION	
7 22	Copy of the case notes	
8	for Gregory Brooks	166
9 23	Bates stamp TDF 86	169
10	through 141	

11 (Exhibits retained by Court Reporter.)
12

13 QUESTIONS MARKED FOR A RULING
14 (NONE)
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1 J. WASHINGTON
2 C E R T I F I C A T E
3

4 STATE OF NEW YORK)
5 : SS.:
6 COUNTY OF BRONX)
7

8 I, SCOTT TORRANCE, a Notary Public
9 for and within the State of New York, do
10 hereby certify:

11 That the witness whose examination is
12 hereinbefore set forth was duly sworn and
13 that such examination is a true record of
14 the testimony given by that witness.

15 I further certify that I am not
16 related to any of the parties to this
17 action by blood or by marriage and that I
18 am in no way interested in the outcome of
19 this matter.

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 9th day of July 2018.

22

23

24

25



SCOTT TORRANCE